

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ePLUS, INC.,)	
)	
Plaintiff,)	Civil Action No. 3:09-CV-620 (REP)
)	
v.)	
)	
LAWSON SOFTWARE, INC.,)	
)	
)	
Defendant.)	

**PLAINTIFF ePLUS’S OBJECTIONS TO DEFENDANT’S DESIGNATIONS AND
SUMMARY OF THE DEPOSITION OF
LAURENE McENENY AND COUNTER-DESIGNATIONS**

Plaintiff, ePlus, Inc. (“ePlus”), through counsel, hereby submits the following general and specific objections to Defendant Lawson Software, Inc. (“Defendant’s”) Deposition Designations and summary from the deposition of Laurene McEneny and offers the following counter-designations:

General Objections

1. Undue prejudice as to testimony concerning the P.O. Writer Version 10.0.

Defendant solicited testimony as to whether the P.O. Writer Version 10.0 software was in public use or on sale before the filing date of the patents-in-suit. The P.O. Writer system was a collection of separately licensed modules. Defendant’s expert opines that several of these separately licensed modules must be licensed together to allegedly invalidate the patents-in-suit. The testimony gleaned from Defendant’s counsel’s questioning as to whether the P.O. Writer Version 10.0 system was in public use or on sale in general is irrelevant and unduly prejudicial since this testimony does not qualify whether any systems allegedly in use or on sale contained the necessary modules.

2. Seeks legal conclusion. Defendant repeatedly asked the witness whether the P.O. Writer system met certain limitations disclosed in the patents-in-suit (*e.g.* whether the P.O. Writer systems was an “electronic sourcing system”). The questioning improperly seeks expert testimony from a lay witness. Ms. McEneny testified that she is not an attorney, does not know what claims of the patents-in-suit are being asserted and has not studied the asserted claims.

Specific Objections

Defendant's Designations	ePlus's Objections (designations)	ePlus's Objections (summary)
4:8-12		
17:24 – 19:10	401/403	Incomplete summary. (Witness also testified that subsequent versions of the software were released over time.)
19:17-22	401/403	
20:8-15	106. Incomplete designation. Designation fails to include witness' entire answer. (106)	Mischaracterizes witness' testimony. (Witness indicated she would need to double-check dates.)
23:3-8		
24:3-4; 24:11	Incomplete designation. Designation fails to include witness' entire answer (106).	Mischaracterizes witness' testimony. Witness indicated she would need to double-check dates.)
24:22-24		
25:11-26:12	Improperly includes attorney objection.	Incomplete summary. (Witness testified that customers would have to license the purchasing module and then license other modules as needed.)
27:8 – 29:8		
29:12 – 30:13		
31:1-24		
31:25 – 33:14		
34:2-18		
35:7-11; 35:14 – 36:22		Incomplete summary. Fails to summarize witness' testimony.
38:18 – 39:14; 39:20 – 40:12		Incomplete summary. Fails to summarize witness' testimony.
41:4-15		Mischaracterizes testimony (Ms. McEneny testified that the

Defendant's Designations	ePlus's Objections (designations)	ePlus's Objections (summary)
		Catalog ID is only part of the item master)
41:16-18; 41:21 – 42:11		
43:13-19		Mischaracterizes testimony (Ms. McEneny clarified later in the deposition that key word searches could only be conducted on the item description field (53:17 – 54:15))
46:7-17		
47:21 – 48:1		
48:9-24		
49:16-19		
50:18 – 51:12		
53:17-19; 53:22-23	Incomplete designation. Designation fails to include witness entire answer. (106).	Incomplete summary. (Witness testified that there is no catalog ID in the vendor master.)
53:25 – 54:15		Incomplete summary. (Witness testified that a user could not search an extended item description and that the user-defined fields were not searchable.)
56:21-25		
72:7-20		
74:9-15; 74:18 – 75:9	Vague and ambiguous (as to “the user selects the vendor themselves” 611 (compound)	
83:3 – 84:23		
94:5-10; 95:4 – 96:5		Incomplete summary. Fails to summarize witness' testimony.
106:7 – 107:20	Improperly designates attorney objection.	
109:9-12		
109:17 – 111:3	Vague and ambiguous (as to “new releases automatically”); 611; 602	Mischaracterizes witness' testimony.
111:8 – 112:6	401/403 (timeframe); vague and ambiguous as to version of modules	Summary is vague and ambiguous as to versions.
112:12-22		Mischaracterizes testimony. (Witness stated that Ex. 97 is a page of notes from the contract management system and the second page is a P.O. Writer

Defendant's Designations	ePlus's Objections (designations)	ePlus's Objections (summary)
		Plus license agreement with Kirkland & Ellis.)
113:11 – 115:21	Vague and ambiguous (as to whether the document “reflect[s] when PO Writer Version 20 was on sale”); 401/403 (does not include alleged anticipatory modules); 602	Mischaracterizes testimony. (Witness testified that customer licensed the purchasing module, the tax interface of the version 10 software, CSP rollout version. Additionally, witness’ did not testify that version 10 was used by customers before August 10, 1993. She stated that she would need to check support notes to determine this.)
116:1 – 117:1	Vague and ambiguous (as to “volumes”); 611	
117:2-4; 117:8 – 118:25	401/403 (relevance, corroboration)	Mischaracterizes testimony. (Ms. McEneny’s testimony confirms only that the inventory control module manual was published prior to August 10, 1993.)
119:8 – 120:4	401/403 (relevance, corroboration)	
120:8 – 121:15	401/403 (relevance, corroboration)	Mischaracterizes testimony (Ms. McEneny’s testimony confirms only that the ad hoc manual was released in 1993, not that all modules of version 10 were released)
121:20 – 122:1	401/403 (relevance, corroboration); 611	Mischaracterizes testimony (Ms. McEneny’s testimony confirms only that the ad hoc manual was released in 1993, not that all modules of version 10 were released)
122:6-15; 122:19 – 123:3	401/403 (relevance, corroboration)	Mischaracterizes testimony (Ms. McEneny’s testimony confirms only that the bar code interface manual was released in 1993, not that all modules of version 10 were released prior to that date)
123:8 – 124:25	401/403 (relevance, corroboration)	Mischaracterizes testimony (Ms. McEneny’s testimony confirms only that the bar code interface manual was released in 1993, not

Defendant's Designations	ePlus's Objections (designations)	ePlus's Objections (summary)
		that all modules of version 10 were released prior to that date)
125:4-21	401/403 (relevance, corroboration)	Mischaracterizes testimony (Ms. McEneny's testimony confirms only that the EDI interface manual was released in 1993, not that all modules of version 10 were released)
126:1-24	401/403 (relevance, corroboration)	
127:16 – 128:5	401/403 (relevance, corroboration)	Mischaracterizes testimony (Ms. McEneny's testimony confirms only that the manual for the fax module was released in 1993, not that all modules for version 10 were released)
128:19 – 129:16	401/403 (relevance, corroboration)	Mischaracterizes testimony (Ms. McEneny's testimony confirms only that the manual for the receiving module was released in 1993, not that all modules for version 10 were released)
129:21 – 130:22		Mischaracterizes testimony (Ms. McEneny's testimony confirms only that the requisition interface module was released in 1993, not that all modules for version 10 were released)
131:1-24	401/403 (relevance, corroboration)	Mischaracterizes testimony (Ms. McEneny's testimony confirms only that the security administrator's guide was released in 1993, not that all modules for version 10 were released)
132:3-18	401/403 (relevance, corroboration)	Mischaracterizes testimony (Ms. McEneny's testimony confirms only that the stock requisitioning and kitting system manual was released in 1993, not that all modules for version 10 were released)
132:22 – 133:15	401/403 (relevance, corroboration)	Mischaracterizes testimony (Ms. McEneny's testimony confirms only that the stock requisitioning

Defendant's Designations	ePlus's Objections (designations)	ePlus's Objections (summary)
		and kitting module was released in 1993, not that all modules version 10 were released)
133:20-21		Mischaracterizes testimony (Ms. McEneny's testimony confirms only that the supplier performance module was released in 1993, not that all modules for version 10 were released)
133:25 – 135:10	401/403 (relevance, corroboration)	Mischaracterizes testimony (Ms. McEneny's testimony confirms only that the supplier performance module was released in 1993, not that all modules for version 10 were released)
135:11 – 137:4	401/403 (relevance, corroboration)	Mischaracterizes testimony (Ms. McEneny's testimony confirms only that the supplier performance module was released in 1993, not that all modules for version 10 were released)
137:8-24	401/403 (relevance, corroboration)	Mischaracterizes testimony (Ms. McEneny's testimony confirms only that the system administrator's guide was released in 1993, not that all modules for version 10 were released)
138:4-17	401/403 (relevance, corroboration)	Mischaracterizes testimony (Ms. McEneny's testimony confirms only that the system administrator's guide was released in 1993, not that all modules for version 10 were released)
138:22 – 139:12	401/403 (relevance, corroboration)	Mischaracterizes testimony (Ms. McEneny's testimony confirms only that the system administrator's guide was released in 1993, not that all modules for version 10 were

Defendant's Designations	ePlus's Objections (designations)	ePlus's Objections (summary)
		released)
139:16 – 140:11	602; authenticity	Mischaracterizes testimony (Ms. McEneny's testimony confirms only that the system administrator's guide was released in 1993, not that all modules for version 10 were released)
140:20 – 141:11		
142:3-17; 143:6-18	403 (corroboration)	
144:20 – 145:19	Vague and ambiguous (as to "a set of volumes"); 602; 701-704 (inappropriate expert testimony); improper designation of attorney objections	Incomplete summary - (Witness testified that customer received manuals only for the modules customer purchased.)
145:20-147:15		Incomplete summary. (Witness testified that at trade shows they would lock up manuals to prevent competitors from viewing them. They would also ask competitors to leave their trade show booth.)
147:16 – 148:9; 148:11-22	611	Mischaracterizes witness' testimony. (Witness testified that customers could not make copies of the manuals to give to somebody. Witness further testified that customers were not permitted to make copies of the manuals to provide to their competitors.)
149:3 – 150:21	Vague and ambiguous (as to "the number of people who would be shown the manual"); 701-704 (calls for expert testimony.) 611	Mischaracterizes witness' testimony. (Witness testified that customers could not make copies of the manuals to give to somebody. Witness further testified that customers were not permitted to make copies of the manuals to provide to their competitors.)
150:24 – 151:5		
153:4-13		
153:20-21; 153:25 – 154:1	401/403; 602; 701-704 (inappropriate expert testimony)	

Defendant's Designations	ePlus's Objections (designations)	ePlus's Objections (summary)
154:2-4	Vague and ambiguous (as to "electronic database"); 401/403; 602	
154:13-18	401/403; 602; 701-704 (inappropriate expert testimony)	
154:24 – 155:1; 155:3	401/403; 602; 701-704 (inappropriate expert testimony)	
155:4-6; 155:9	401/403; 602; 701-704 (inappropriate expert testimony)	
155:10-14	Vague and ambiguous (as to "product information" and "product catalogs organized in various ways"); 701-704	
155:23 – 156:2; 156:8-15	Vague and ambiguous (as to "product information"); 602	
156:16-22; 156:24 – 157:3	Vague and ambiguous (as to "maintained" and "product type")	
157:4-11	Vague and ambiguous (as to "Catalog ID")	
157:17-25; 158:3-7	Vague and ambiguous (as to "searchable criteria"); 701-704 (inappropriate expert testimony)	
158:8 – 159:6	Vague and ambiguous (as to whether "the catalog ID field and the item master record is used to assign an item to a catalog")	
159:7 - 160:7	Vague and ambiguous (as to "catalog ID")	
160:22-25	Vague and ambiguous (as to "catalog ID")	
161:1-4	Vague and ambiguous (as to "maintaining"); 701-704 (inappropriate expert testimony)	
161:5-9; 161:12-15	611 (compound question); 401/403	
161:16 – 162:15	Vague and ambiguous (as to "product catalog"); 401/403	
162:16-21	701-704 (inappropriate expert testimony)	
162:22-25	701-704 (inappropriate expert testimony)	
163:1-5	701-704 (inappropriate expert testimony)	
163:6-10; 163:13-25	701-704 (inappropriate expert testimony)	
164:1-10		

Defendant's Designations	ePlus's Objections (designations)	ePlus's Objections (summary)
164:11-16; 164:19 – 165:17	701-704 (inappropriate expert testimony)	
165:18-21; 165:23-25; 166:1-7	401/403; 701-704 (inappropriate expert testimony)	
166:8-10	Vague and ambiguous (as to “a list of items resulting from a search”)	
166:11-13; 166:15 – 168:5		
171:2-18	401/403 (relevance, corroboration); 701-704 (inappropriate expert testimony)	
171:21 – 173:1	401/403 (relevance, corroboration)	
173:11-25	401/403 (relevance, corroboration)	
174:1-2; 174:5 – 175:4- 176:1	Vague and ambiguous (as to “user generated criteria”); 401/403 (relevance, corroboration)	
176:2-11; 176:14 – 178:3; 178:6 – 179:3; 179:10-25	401/403 (relevance, corroboration)	
180:1 – 181:15	Vague and ambiguous (as to “product account logs”)	
181:16 – 182:7; 182:10-17; 182:19-20	401/403 (relevance, corroboration); 701-704 (inappropriate expert testimony)	
182:21 – 183:8; 183:11-25	701-704 (inappropriate expert testimony)	
184:1-8	701-704 (inappropriate expert testimony)	
184:9-11; 184:13; 184:19-20; 184:22– 185:6	701-704 (inappropriate expert testimony)	
185:7-9; 185:12-19	602; 701-704 (inappropriate expert testimony)	
186:2-12	602	
186:18-19; 186:22 – 187:9; 187:12-17	701-704 (inappropriate expert testimony)	
187:18-20; 187:24 – 188:13	701-704 (inappropriate expert testimony)	
188:14-17		
188:19-21; 188:24 – 189:5;	Vague and ambiguous (as to “type of item [a user] put on the requisition” and	

Defendant's Designations	ePlus's Objections (designations)	ePlus's Objections (summary)
189:7	"number of combinations of items [a user] could put on the requisition)	
191:14 – 193:1	401/403; 1002/1004	
200:13-17; 200:19 – 201:10		
204:22 – 205:20	602	

ePlus's Counter-Designations
9:21 - 10:21
13:5 - 13:10
20:15 - 20:25
24:5 - 24:10
24:12 - 24:21
26:13 - 27:7
33:15 - 34:1
34:19 - 35:6
36:23 - 37:10
37:14 - 37:16
37:25 - 38:6
38:13 - 38:17
40:13 - 40:25
41:2
42:12 - 42:25
43:24 - 44:18
44:22 - 44:23
45:2 - 45:19
46:18 - 47:9
47:11 - 47:17
48:25 - 49:1
49:3 - 49:6
49:9 - 49:12
49:22 - 50:15
50:17
52:11 - 52:21
53:23 - 53:24
54:16 - 56:18
56:20
57:1 - 57:7
57:16 - 58:11
58:13 - 59:13
60:1 - 60:21

ePlus's Counter-Designations
60:24 - 62:3
62:5 - 62:18
72:21 - 74:3
75:14 - 76:19
76:21 - 78:15
79:1 - 79:5
79:8 - 79:12
80:15 - 82:20
84:24 - 85:16
89:19 - 90:2
90:4 - 91:4
91:7 - 92:5
92:13 - 92:22
93:10 - 94:4
97:21 - 98:1
98:6 - 98:25
99:19 - 100:10
101:4 - 102:3
102:5 - 102:8
102:17 - 102:19
102:21 - 104:19
108:3 - 108:16
152:4 - 152:7
152:9 - 152:15
152:17 - 152:25
154:21 - 154:23
179:4 - 179:6
179:9
193:13 - 193:16
193:18 - 193:20
193:22 - 194:12
194:15 - 194:18
194:21 - 195:3
196:25 - 197:19
197:22 - 198:6
202:18 - 202:25
204:12 - 204:15
204:18 - 204:21
205:21 - 206:3
218:1 - 218:16
221:25 - 222:15
223:2 - 225:6

Respectfully submitted,

/s/

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Attorneys for Plaintiff, ePlus Inc.

Dated: August 9, 2010

Laurene McEneny (June 10, 2010) – Rebuttal Summary

Counsel for Defendant contacted Ms. McEneny and asked her to be a consultant in the litigation. (13:5-10). Ms. McEneny was a paid consultant in the SAP litigation and testified at trial. (108:3-16). Counsel for Defendant sent Ms. McEneny documents including her testimony from the SAP litigation. (9:21 – 10:21). Ms. McEneny consulted her prior testimony during the course of her deposition. (24:12-21).

The PO Writer product included many modules, all of which were optional and must be purchased separately. (26:13 – 27:7; 97:21 – 98:1). The PO Writer software including a purchasing module containing an item master record. (42:12-25). Ms. McEneny did not know whether the “Guided Tour” document was a draft document. (54:16 – 55:17; 77:10-15; 79:1-5; 79:8-12).

Ms. McEneny testified that in the PO Writer system, a user could not search user generated information contained in the item master record. (45:2-19; 91:2-4; 91:7-13). Items in the PO Writer item master are not tied to any specific source. (48:25 – 49:1; 49:3-6; 49:9-12; 49:22 – 50:7; 50:9-15; 50:17; 52:11-21). Users manually entered a supplier into a purchase order after they had selected an item. (99:19 – 100:10). The PO Writer software assigned a vendor to an item based on the order history of the item. (73:10 – 74:3; 103:6 – 104:19).

There is no catalog identifier in the vendor master. (53:17-19; 53:22-24). The Catalog ID in the item master is not associated with any specific vendor and is instead a way for a user to group items together. (101:25 – 102:3; 102:5-8). The PO Writer Version 10 software did not include the ability to cross reference items within the system. (89:19 – 90:2; 90:4-19). While the PO Writer product could check item availability in inventory, it was designed for and limited to checking the customer’s own inventory. (36:23 – 37:10; 37:14-16; 37:25 – 38:6; 38:13-17).

American Tech’s standard licensing agreement stated that it would “vigorously prosecute anyone who makes unauthorized copies of its software and users manual.” (81:10 -82:20). American Tech also wrote in its manuals that users could not copy the manuals without the consent of American Tech. (92:13-22; 93:10 – 94:4). Ms. McEneny understood that users of the PO Writer product were under an obligation to keep information contained in the PO Writer manual confidential. (152:4-7; 152:9-15; 152:17-25).

McEneny, Laurene 6/10/2010 12:08:00 PM

<p>1 UNITED STATES DISTRICT COURT 2 EASTERN DISTRICT OF VIRGINIA 3 (Richmond Division) 4 ePLUS, inc., 5 Plaintiff, 6 -against- Civil Action No. 7 3:09-cv-620(JRS), 8 LAWSON SOFTWARE, INC., 9 Defendant. 10 11 June 10, 2010 12 10:44 a.m. 13 Videotaped Deposition of LAURENE McENENY, 14 taken pursuant to Subpoena, at the offices of 15 Goodwin Procter LLP, 620 Eighth Avenue, New 16 York, New York, before ERIC J. FINZ, a Shorthand 17 Reporter and Notary Public within and for the 18 State of New York. 19 20 21 22 23 24 JOB NO.: 24-180169 25 Pages: 1 - 233</p>	<p>1 THE VIDEOGRAPHER: This is the 2 video operator speaking, Douglas Huebner of 3 Merrill Legal Solutions. Today is June 10, 4 2010, and the time is 10:44., 5 We are at the offices of Goodwin 6 Procter, 620 Eighth Avenue, New York, New 7 York, to take the video deposition of 8 Laurene McEneny, in the matter of ePlus, 9 Inc. versus Lawson Software, Inc., in the 10 United States District Court, Eastern 11 District of Virginia, Richmond Division, 12 Case No. 3:09-cv-620., 13 Will counsel please introduce 14 themselves for the record. 15 MR. REDDY: Srikanth Reddy from the 16 law firm of Goodwin Procter on behalf of 17 the plaintiff ePlus, Inc. 18 MR. ROBERTSON: Scott Robertson 19 from Goodwin Procter for plaintiff. 20 MS. HUGHEY: Rachel Hughey from 21 Merchant & Gould for defendant Lawson 22 Software. 23 MR. SAHNER: Todd M. Sahner from 24 Marcus Brody on behalf of the witness. 25 THE VIDEOGRAPHER: Will the court</p>
<p>1 A P P E A R A N C E S: 2 GOODWIN PROCTER LLP 3 Attorneys for Plaintiff 4 Exchange Place 5 Boston, Massachusetts 02109 6 7 BY: SRIKANTH K. REDDY, ESQUIRE 8 9 -AND- 10 11 GOODWIN PROCTER LLP 12 901 New York Avenue, Northwest 13 Washington, DC 20001 14 15 BY: SCOTT L. ROBERTSON, ESQUIRE 16 17 MERCHANT & GOULD 18 Attorneys for Defendant 19 80 South Eighth Street 20 Minneapolis, Minnesota 55402 21 22 BY: RACHEL C. HUGHEY, ESQUIRE 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000</p>	<p>1 reporter please swear the witness. 2 L A U R E N E M c E N E N Y, 3 having been first duly sworn by the Notary 4 Public (Eric J. Finz), was examined and 5 testified as follows: 6 EXAMINATION BY 7 MR. REDDY: 8 Q. Good morning. Would you please 9 state your full name for the record? 10 A. My name is Laurene Jean, maiden 11 name, which I used in business is Fielder, and 12 my married name is McEneny. 13 Q. Do you have a preference of 14 Ms. McEneny versus Ms. Fielder? 15 A. That's fine. 16 Q. I'll try to make sure I get that 17 correct. I was hoping you'd say Fielder. 18 A. Before we sold the company I would 19 have, but now I'm officially a one name person 20 here. 21 Q. My name is Srikanth Reddy, I 22 represent the plaintiff in this matter, ePlus, 23 Inc. 24 Ms. McEneny, do you understand that 25 your answers today are being given under oath</p>

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<p>5</p> <p>1 and that you are under the same obligation as</p> <p>2 you would have been in court to answer</p> <p>3 truthfully and completely?</p> <p>4 A. Yes.</p> <p>5 Q. And have you ever given a</p> <p>6 deposition before?</p> <p>7 A. No.</p> <p>8 Q. And so in that case I'll go over</p> <p>9 some different rules, and if at any time you</p> <p>10 have any questions about the process or anything</p> <p>11 you should certainly feel free to ask those. If</p> <p>12 any of my questions are unclear just let me know</p> <p>13 and I'll try to clarify them.</p> <p>14 Will you do that?</p> <p>15 A. Sure.</p> <p>16 Q. If you need to take a break at any</p> <p>17 time, just let me know. I may ask you to wait</p> <p>18 if we are in the middle of a question, but</p> <p>19 otherwise we'll certainly take a break if you</p> <p>20 need to.</p> <p>21 Do you understand that?</p> <p>22 A. Um-hum.</p> <p>23 Q. And because the court reporter is</p> <p>24 typing all the questions and all the responses,</p> <p>25 he generally needs an audible response. So</p>	<p>7</p> <p>1 A. Yes.</p> <p>2 Q. And are you represented by counsel</p> <p>3 here today?</p> <p>4 A. Yes.</p> <p>5 Q. And who is that representing you?</p> <p>6 A. Todd Sahner.</p> <p>7 MR. REDDY: Ms. McEneny, I'm</p> <p>8 handing to the reporter what I would like</p> <p>9 him to mark as Exhibit No. 1.</p> <p>10 (McEneny Exhibit 1 for</p> <p>11 identification, Subpoena.)</p> <p>12 Q. You can take a couple, however much</p> <p>13 time you need to familiarize yourself with that</p> <p>14 document. And look up at me after you've had a</p> <p>15 chance to do so.</p> <p>16 A. Is this the one that was sent to me</p> <p>17 originally, or is this something different?</p> <p>18 Q. It should fairly and accurately</p> <p>19 depict what was sent to you. Perhaps if you</p> <p>20 want to take a look just to confirm.</p> <p>21 A. This looks identical.</p> <p>22 Okay.</p> <p>23 Q. So have you seen this document</p> <p>24 before?</p> <p>25 A. I believe this is the same document</p>
<p>6</p> <p>1 um-hum --</p> <p>2 A. Yes.</p> <p>3 Q. -- as opposed to yes, might be a</p> <p>4 little bit more helpful. Thank you.</p> <p>5 Are you taking any medication or</p> <p>6 drugs that would affect your ability to answer</p> <p>7 questions truthfully and accurately here today?</p> <p>8 A. No.</p> <p>9 Q. Is there any reason that you feel</p> <p>10 you would not be able to give truthful answers</p> <p>11 to my questions today?</p> <p>12 A. No.</p> <p>13 Q. Your counsel, Mr. Sahner, who I</p> <p>14 understand is Mr. Sahner, he may object from</p> <p>15 time to time. But unless he specifically</p> <p>16 instructs you not to answer one of my questions,</p> <p>17 I expect you to answer my question.</p> <p>18 Do you understand that?</p> <p>19 A. Yes.</p> <p>20 Q. And the court reporter here, again,</p> <p>21 he needs to take down everything we say. So he</p> <p>22 can't take down nonverbal responses or shakes of</p> <p>23 your head. So just make sure that you verbally</p> <p>24 respond to each of my questions. Do you</p> <p>25 understand that?</p>	<p>8</p> <p>1 that I was given when I was subpoenaed.</p> <p>2 Q. And if I can direct your attention</p> <p>3 to page number 7. The heading says "schedule A,</p> <p>4 documents."</p> <p>5 A. Um-hum.</p> <p>6 Q. Do you see that there are five</p> <p>7 requests for production listed there?</p> <p>8 A. Yes.</p> <p>9 Q. And have you produced documents in</p> <p>10 response to this subpoena?</p> <p>11 A. Yes, I have.</p> <p>12 Q. And what did you produce?</p> <p>13 A. Can I look? I brought a file of</p> <p>14 what I sent you. Is that okay?</p> <p>15 Q. Yes, that's appropriate, sure.</p> <p>16 A. I mailed to you a letter, let's</p> <p>17 see, all documents provided to Lawson, so</p> <p>18 basically I sent a letter. And it had the --</p> <p>19 some email correspondence with Rachel Hughey.</p> <p>20 And a copy of an engagement letter that they had</p> <p>21 sent. And, let's see what else was in here.</p> <p>22 And also I sent a USB, a ScanDisk</p> <p>23 with some attachments that Rachel had sent,</p> <p>24 which was a subpoena that their firm had sent me</p> <p>25 a letter, the SAP trial transcript, day one and</p>

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<p>9</p> <p>1 day two, and -- so basically the content of what</p> <p>2 she sent.</p> <p>3 Q. I don't mean to interrupt you, but</p> <p>4 perhaps to speed the process along, I can</p> <p>5 represent that all the documents you produced to</p> <p>6 us have been produced in this litigation and</p> <p>7 given to Lawson Software. I kind of wanted to</p> <p>8 go through the specific requests that were made.</p> <p>9 Have you provided any documents to</p> <p>10 Lawson during the course of this litigation?</p> <p>11 A. The only things, I gave you</p> <p>12 everything I would have given them.</p> <p>13 Q. And are there any existing</p> <p>14 agreements or contracts between you and the</p> <p>15 defendant Lawson Software?</p> <p>16 A. No.</p> <p>17 Q. And have you invoiced or billed</p> <p>18 Lawson Software for anything with regards to</p> <p>19 this litigation?</p> <p>20 A. No.</p> <p>21 Q. And has Lawson provided any</p> <p>22 documents to you during the course of this</p> <p>23 matter?</p> <p>24 A. Only the things I've given you.</p> <p>25 Q. And did you review the documents</p>	<p>11</p> <p>1 other attorney from the Merchant & Gould law</p> <p>2 firm or from anybody from Lawson Software with</p> <p>3 regards to this matter?</p> <p>4 A. Everything that's happened has been</p> <p>5 documented and provided to you.</p> <p>6 Q. Have you had any conversations with</p> <p>7 anybody concerning the patents that are at issue</p> <p>8 in this matter?</p> <p>9 A. When you say anybody, my husband,</p> <p>10 yeah, we've talked about it.</p> <p>11 Q. Other than your husband, have you</p> <p>12 had discussions with anybody with regards to the</p> <p>13 patents that are at suit in this litigation?</p> <p>14 THE WITNESS: Does that include our</p> <p>15 conversation?</p> <p>16 MR. SAHNER: Our conversations are</p> <p>17 privileged.</p> <p>18 A. Then no.</p> <p>19 Q. I'm not asking about the specific</p> <p>20 subject matter of anything you may have</p> <p>21 discussed with your counsel. But are you</p> <p>22 familiar with the patents that are at suit in</p> <p>23 this litigation?</p> <p>24 A. I read them very carefully years</p> <p>25 ago. I have not looked at them. I only looked</p>
<p>10</p> <p>1 that Ms. Hughey sent to you during the course of</p> <p>2 the litigation?</p> <p>3 A. I did read it briefly. I haven't</p> <p>4 studied it.</p> <p>5 Q. And do you recall specifically what</p> <p>6 documents she had sent you?</p> <p>7 A. She sent me, basically my testimony</p> <p>8 from the original trial, which was the ePlus/SAP</p> <p>9 trial. So I did read through that.</p> <p>10 Q. Do you know why she sent you those</p> <p>11 specific documents?</p> <p>12 A. No, not really.</p> <p>13 Q. Did you have any conversations or</p> <p>14 any discussions with anybody from Lawson</p> <p>15 Software or the law firm of Merchant & Gould</p> <p>16 with regards to this litigation?</p> <p>17 A. Other than what I shared. I mean,</p> <p>18 Rachel contacted me, which I summarized our</p> <p>19 conversation for you and provided that. They</p> <p>20 asked if I would be interested in being an</p> <p>21 expert witness, and I indicated I'm not.</p> <p>22 Q. And other than the conversations</p> <p>23 that were summarized in the documents that you</p> <p>24 provided, were there any other conversations or</p> <p>25 discussions that you had with Ms. Hughey or any</p>	<p>12</p> <p>1 at my testimony.</p> <p>2 Q. And when you say that you read them</p> <p>3 carefully, how many patents are you referring</p> <p>4 to?</p> <p>5 A. I don't really recall how many</p> <p>6 patents were in question. This was a few years</p> <p>7 ago when I was involved in the ePlus versus SAP</p> <p>8 case.</p> <p>9 Q. When you say those patents, are you</p> <p>10 referring to the patents that were at suit in</p> <p>11 the SAP litigation?</p> <p>12 A. Correct.</p> <p>13 Q. Were there any patents other than</p> <p>14 those patents that were at suit in the SAP</p> <p>15 litigation assigned to ePlus that you reviewed?</p> <p>16 A. No.</p> <p>17 Q. Now, when you say that you</p> <p>18 discussed the patents in suit with your husband,</p> <p>19 what was the general substance of those</p> <p>20 conversations?</p> <p>21 MR. SAHNER: I just want to caution</p> <p>22 the witness, your discussions with your</p> <p>23 husband are privileged. What that means is</p> <p>24 that you don't have to disclose what you</p> <p>25 said, but you can disclose just the general</p>

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<p>1 subject matter of what you talked about.</p> <p>2 A. Yeah, just generally saying kind of</p> <p>3 here we go again. And nothing that I can even</p> <p>4 think of that's worth mentioning.</p> <p>5 Q. Okay. When you say that you were</p> <p>6 asked to be a consultant in this litigation, who</p> <p>7 asked you to be a consultant in this litigation?</p> <p>8 A. Rachel.</p> <p>9 Q. And how did you respond to her?</p> <p>10 A. I said I wasn't interested.</p> <p>11 Q. And do you intend to testify at</p> <p>12 trial in this matter?</p> <p>13 A. At this moment in time it's not my</p> <p>14 intention.</p> <p>15 Q. Did you meet with anybody in order</p> <p>16 to prepare to testify here today?</p> <p>17 A. Just Todd.</p> <p>18 Q. And when did that meeting take</p> <p>19 place?</p> <p>20 A. Last Friday.</p> <p>21 Q. And how many times did you meet</p> <p>22 with him?</p> <p>23 A. Just once.</p> <p>24 Q. And was anybody else present at</p> <p>25 that meeting?</p>	<p>15</p> <p>1 out of college. I worked for them for a few</p> <p>2 years. Briefly worked for ADP. And started</p> <p>3 American Tech with Tim.</p> <p>4 Q. Now, do you recall what year you</p> <p>5 graduated from Aquinas College?</p> <p>6 A. Think back, 1989. Well, '88,</p> <p>7 December of '88. But I graduated with my class</p> <p>8 in spring of '89. So actually commenced in the</p> <p>9 spring. But my degree and my date was December</p> <p>10 of '88.</p> <p>11 Q. And did you have a specific major</p> <p>12 that you graduated?</p> <p>13 A. I'm sorry. '78. I'm sorry.</p> <p>14 Q. So you graduated from Aquinas</p> <p>15 College in 1978; is that correct?</p> <p>16 A. That's correct.</p> <p>17 Q. And was there a specific area that</p> <p>18 you majored in while at Aquinas College?</p> <p>19 A. Yes.</p> <p>20 Q. And what is that?</p> <p>21 A. Marketing communications.</p> <p>22 Q. So after graduating in 1978, I</p> <p>23 think you said you went to work for the General</p> <p>24 Electric Company; is that correct?</p> <p>25 A. Um-hum, Information Services.</p>
<p>14</p> <p>1 A. My husband was.</p> <p>2 Q. And for how long did you meet with</p> <p>3 Mr. Sahner?</p> <p>4 A. I don't know, maybe half hour.</p> <p>5 Mostly talking about golf.</p> <p>6 Q. Did you have any discussions with</p> <p>7 anybody besides Mr. Sahner or your husband in</p> <p>8 order to prepare for your testimony here today?</p> <p>9 A. No.</p> <p>10 Q. Now, you mentioned that you</p> <p>11 reviewed your testimony in the SAP case; is that</p> <p>12 correct?</p> <p>13 A. Right, I read it once.</p> <p>14 Q. And at various times today I might</p> <p>15 refer to some of that testimony.</p> <p>16 A. Um-hum.</p> <p>17 Q. Do you recall in general the</p> <p>18 testimony that you had given in the SAP case?</p> <p>19 A. In general I recall.</p> <p>20 Q. Now, if you can talk to me a little</p> <p>21 bit about your background starting after</p> <p>22 college, after secondary school, leading up to</p> <p>23 the time that you were at American Tech, Inc.</p> <p>24 A. I went to Aquinas College. I was</p> <p>25 hired by General Electric Information Services</p>	<p>16</p> <p>1 Q. And for how long did you stay at</p> <p>2 General Electric Information Services?</p> <p>3 A. I think about four years. A little</p> <p>4 over four years.</p> <p>5 Q. And what did you do while at GE</p> <p>6 Information Services?</p> <p>7 A. I sold software services.</p> <p>8 Q. What types of software services did</p> <p>9 you sell?</p> <p>10 A. Time sharing services,</p> <p>11 manufacturing software.</p> <p>12 Q. So if you were at GE Information</p> <p>13 Services for approximately four years from 1978,</p> <p>14 is it true that you left GE Information Services</p> <p>15 around 1982 then?</p> <p>16 A. Um-hum. Right. Worked for ADP for</p> <p>17 just a few months.</p> <p>18 Q. What is ADP?</p> <p>19 A. Automated Data Processing, the</p> <p>20 payroll people.</p> <p>21 Q. I'm sorry, when you say the payroll</p> <p>22 people, what do you mean by that?</p> <p>23 A. Most people think of ADP as a</p> <p>24 payroll service provider.</p> <p>25 Q. And what did you do while you were</p>

<p>17</p> <p>1 at ADP?</p> <p>2 A. Sales.</p> <p>3 Q. And what was ADP selling at that</p> <p>4 time?</p> <p>5 A. They were selling a lot of things.</p> <p>6 But mostly time sharing, financial services</p> <p>7 software.</p> <p>8 Q. What do you mean by time sharing?</p> <p>9 A. At that point in time companies</p> <p>10 would buy time on large computer systems. So</p> <p>11 instead of having personal computers like we do</p> <p>12 now, people would have basically dumb terminals</p> <p>13 and they would buy time on large computer</p> <p>14 systems.</p> <p>15 Q. Wow. How long did that practice</p> <p>16 continue?</p> <p>17 A. Oh, God, I feel old.</p> <p>18 Q. I'm sorry, you don't need to. I'll</p> <p>19 withdraw that question, you don't need to answer</p> <p>20 that question.</p> <p>21 A. That's fine.</p> <p>22 Q. How long did you stay at ADP?</p> <p>23 A. It was just a couple of months.</p> <p>24 Q. And so sometime in 1982 you and</p> <p>25 your husband started American Tech; is that</p>	<p>19</p> <p>1 released in 1984, were there subsequent versions</p> <p>2 of the P.O. Writer software?</p> <p>3 A. Yes.</p> <p>4 Q. And approximately how many versions</p> <p>5 of the software were released over time?</p> <p>6 A. There were twelve DOS versions, and</p> <p>7 there were, oh, gosh, P.O. Writer Plus for</p> <p>8 Windows. I can't remember exactly how many we</p> <p>9 had, because then we switched into the web based</p> <p>10 product line.</p> <p>11 Q. Do you still work for American</p> <p>12 Tech?</p> <p>13 A. No, I don't.</p> <p>14 Q. And when did you cease working for</p> <p>15 American Tech?</p> <p>16 A. At the end of last year.</p> <p>17 Q. And is American Tech still -- does</p> <p>18 American Tech still exist?</p> <p>19 A. American Tech, the name changed in</p> <p>20 2000. So American Tech became Purchasing Net,</p> <p>21 Incorporated. And Purchasing Net, it was a name</p> <p>22 change only. And that company still exists.</p> <p>23 Q. And have you, do you retain any</p> <p>24 interest in Purchasing Net?</p> <p>25 A. None.</p>
<p>18</p> <p>1 correct?</p> <p>2 A. In '83 we founded the company.</p> <p>3 Q. And what was the first product that</p> <p>4 American Tech sold?</p> <p>5 A. It was a product called P.O.</p> <p>6 Writer.</p> <p>7 Q. And what was the business of</p> <p>8 American Tech?</p> <p>9 A. We were in the business of selling</p> <p>10 PC based purchasing software.</p> <p>11 Q. Now, when was the first version of</p> <p>12 the P.O. Writer product released?</p> <p>13 A. I guess commercially released in</p> <p>14 '84. We started the company in '83, and the</p> <p>15 first version was out in '84.</p> <p>16 Q. And what was the P.O. Writer</p> <p>17 product?</p> <p>18 A. It was a purchasing module.</p> <p>19 Software.</p> <p>20 Q. When you say a purchasing module,</p> <p>21 what do you mean by that?</p> <p>22 A. It was a software product that</p> <p>23 would allow people to generate a purchase order</p> <p>24 and do some basic reports.</p> <p>25 Q. Now, after that first version was</p>	<p>20</p> <p>1 Q. And I'm sorry, so you ceased being</p> <p>2 involved with Purchasing Net sometime in 2009;</p> <p>3 is that correct?</p> <p>4 A. We sold the company.</p> <p>5 Q. Okay. And so your husband, does he</p> <p>6 still retain any interest in Purchasing Net?</p> <p>7 A. No.</p> <p>8 Q. Now, the twelve DOS versions of the</p> <p>9 P.O. Writer Plus program, do you recall when the</p> <p>10 last DOS version of P.O. Writer was released,</p> <p>11 roughly?</p> <p>12 A. Let's see.</p> <p>13 Probably about '95.</p> <p>14 Q. Are you sure it was in 1995?</p> <p>15 A. Let me see. Yeah, that's right. I</p> <p>16 have to double-check, since I didn't know when I</p> <p>17 graduated from college, I'm slow on the dates.</p> <p>18 All right?</p> <p>19 Q. I understand. Do you recall what</p> <p>20 functionality was added with each version of the</p> <p>21 DOS throughout those twelve different versions</p> <p>22 from 1984 and 1995?</p> <p>23 A. There was a lot. I would have to</p> <p>24 really go back to documentation to look</p> <p>25 specifically at the features in every year.</p>

<p>21</p> <p>1 Q. Just here testifying today, do you</p> <p>2 recall the specific functionality that might</p> <p>3 have been added from version 1 to version 12?</p> <p>4 A. I remember some of it.</p> <p>5 Q. Now, you testified that you no</p> <p>6 longer are employed by or have any interest with</p> <p>7 P.O. Writer -- I'm sorry, with Purchasing Net;</p> <p>8 correct?</p> <p>9 A. Correct.</p> <p>10 Q. Have you retained any documents</p> <p>11 from either Purchasing Net or American Tech that</p> <p>12 were generated while you were affiliated with</p> <p>13 those two companies?</p> <p>14 A. I probably have a few things. Some</p> <p>15 files. I have kept a couple of folders on</p> <p>16 customers, you know, we were working with just</p> <p>17 to make sure if anybody had any questions that</p> <p>18 they wanted to call me, you know, they could.</p> <p>19 So just trying to be helpful to the staff that</p> <p>20 was left behind. We sold the company, so still</p> <p>21 felt some responsibility to the people.</p> <p>22 Q. So other than the customer folders,</p> <p>23 are you aware of any other documents that you</p> <p>24 might have retained from Purchasing Net?</p> <p>25 A. You know, I'm not really sure, we</p>	<p>23</p> <p>1 A. To me it would be the same, it was</p> <p>2 just a name change.</p> <p>3 Q. Did American Tech have a general</p> <p>4 policy with regards to the schedule by which it</p> <p>5 would release different versions of the P.O.</p> <p>6 Writer project?</p> <p>7 A. Generally we did one major release</p> <p>8 per year.</p> <p>9 Q. So between 1984 and 1995, that's</p> <p>10 twelve years actually, correct? I'm sorry, I'll</p> <p>11 withdraw that question as well.</p> <p>12 So the twelve DOS versions of the</p> <p>13 P.O. Writer software, were each of those</p> <p>14 versions released between 1984 and 1995?</p> <p>15 A. Yes.</p> <p>16 Q. Now, if I can start with -- I'm</p> <p>17 sorry, so I think you testified that version</p> <p>18 number 2 was released in 1985; correct?</p> <p>19 A. I'd have to double-check, but that</p> <p>20 sounds right.</p> <p>21 Q. Was version 3 -- when was version 3</p> <p>22 released then?</p> <p>23 A. Generally they would be one major</p> <p>24 release per year. That was the general</p> <p>25 practice. So if you ask me about 3 then 4 then</p>
<p>22</p> <p>1 do have some things in the garage. And the</p> <p>2 reason is Tim is writing a book, and I know he</p> <p>3 saved some things. But I honestly don't know</p> <p>4 what he has specifically.</p> <p>5 Q. Now, I think you testified that</p> <p>6 version 1 of the P.O. Writer software was</p> <p>7 released in 1984; correct?</p> <p>8 A. I believe that's correct.</p> <p>9 Q. Do you recall when the second</p> <p>10 version of P.O. Writer was released?</p> <p>11 A. Probably about a year later, but I</p> <p>12 don't know the exact date.</p> <p>13 Q. So during that time frame, the</p> <p>14 company was known as American Tech, correct?</p> <p>15 So in general I'll try to refer to</p> <p>16 it as American Tech for the company that you and</p> <p>17 your husband started, which became Purchasing</p> <p>18 Net in 2000 and which you subsequently sold in</p> <p>19 2009.</p> <p>20 A. Um-hum.</p> <p>21 Q. Does that make sense?</p> <p>22 A. That's fine.</p> <p>23 Q. And if you have any questions at</p> <p>24 any time as to what entity I'm referring to, you</p> <p>25 could certainly feel free to ask.</p>	<p>24</p> <p>1 5, they kind of fall along that line. It was</p> <p>2 the general practice to try and do that.</p> <p>3 Q. Now, when was version 10 of the</p> <p>4 P.O. Writer product released?</p> <p>5 A. It was released in the -- well, can</p> <p>6 I check my notes? I want to double-check to</p> <p>7 make sure I get this right.</p> <p>8 Q. Sure.</p> <p>9 A. Should be '83, but let me just</p> <p>10 double-check.</p> <p>11 Yes, '83. I'm sorry, '93.</p> <p>12 Q. When you say you were checking your</p> <p>13 notes, the notes you were checking was your</p> <p>14 testimony from the SAP case; is that correct?</p> <p>15 A. That's right.</p> <p>16 Q. Now, other than your testimony from</p> <p>17 the SAP case, is there anything else that you</p> <p>18 have to corroborate that version 10 of the P.O.</p> <p>19 Writer product was released in 1993?</p> <p>20 A. No. Just everything I testified to</p> <p>21 originally would still be true.</p> <p>22 MR. REDDY: I'm handing to the</p> <p>23 reporter what I'll ask him to mark as</p> <p>24 McEneny Exhibit No. 2.</p> <p>25 (McEneny Exhibit 2 for</p>

<p>25</p> <p>1 identification, document headed "Guided</p> <p>2 Tour, Version 10.0," production numbers L</p> <p>3 0126514 through L 0126701.)</p> <p>4 MR. REDDY: It's a document, the</p> <p>5 cover of which states "guided tour, version</p> <p>6 10.0."</p> <p>7 Q. That's a rather large document, so</p> <p>8 I'll ask you to peruse the document and you can</p> <p>9 look up at me after you've had a chance to</p> <p>10 familiarize yourself with it.</p> <p>11 Do you recognize that document</p> <p>12 that's been marked as Exhibit No. 2?</p> <p>13 A. Yes, I do.</p> <p>14 Q. And what is that document?</p> <p>15 A. This is a guided tour that was</p> <p>16 published for our software.</p> <p>17 Q. What is the purpose of that</p> <p>18 document?</p> <p>19 A. This document was used to teach</p> <p>20 people how to use the product.</p> <p>21 Q. Now, when you say the product, what</p> <p>22 product are you referring to?</p> <p>23 A. The P.O. Writer Plus software.</p> <p>24 Q. Now, there were several different</p> <p>25 modules that were associated with the P.O.</p>	<p>27</p> <p>1 additional modules would vary on a case-by-case</p> <p>2 basis?</p> <p>3 A. That's right.</p> <p>4 Q. And some of those customers might</p> <p>5 not have purchased any additional modules; is</p> <p>6 that correct?</p> <p>7 A. That's correct.</p> <p>8 Q. If I can direct your attention to</p> <p>9 page number 7. I realize there is several</p> <p>10 different numbers along there, I'll try to refer</p> <p>11 to the numbers that have an L prefix on it. We</p> <p>12 call those Bates labels. The document Bates</p> <p>13 labelled L 0126537.</p> <p>14 The heading of the document refers</p> <p>15 to "purchasing - the basics."</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. What is this section of the manual</p> <p>19 discussing?</p> <p>20 A. This particular page is discussing</p> <p>21 the P.O. Writer Plus item master file.</p> <p>22 Q. And what was the item master file?</p> <p>23 A. It was a file that people could use</p> <p>24 to input things that they were going to purchase</p> <p>25 in the software.</p>
<p>26</p> <p>1 Writer Plus software; is that correct?</p> <p>2 A. Correct.</p> <p>3 Q. And when a user purchased the</p> <p>4 software, they purchased only the purchasing</p> <p>5 module; is that correct?</p> <p>6 MS. HUGHEY: Objection; vague.</p> <p>7 A. There were many modules. In our</p> <p>8 product they would have to purchase the</p> <p>9 purchasing module in order to make anything else</p> <p>10 work. That was like our foundation module. But</p> <p>11 they could buy as much or as little as they</p> <p>12 needed to meet their needs.</p> <p>13 Q. And those other modules, they were</p> <p>14 all optional; correct?</p> <p>15 A. Correct.</p> <p>16 Q. So a customer of American Tech</p> <p>17 could choose whether or not they wanted those</p> <p>18 additional modules; correct?</p> <p>19 A. That's correct.</p> <p>20 Q. And so when we refer to customers</p> <p>21 of American Tech, each of those customers</p> <p>22 purchased the purchasing module; is that</p> <p>23 correct?</p> <p>24 A. That's correct.</p> <p>25 Q. But whether or not they purchased</p>	<p>28</p> <p>1 Q. So other than the item master</p> <p>2 record, is there any other place in the P.O.</p> <p>3 Writer software where data would be inputted</p> <p>4 reflecting specific items that a user would like</p> <p>5 to purchase?</p> <p>6 A. Well, there was the ability to free</p> <p>7 form an item. So they didn't have to put it in</p> <p>8 the item master file.</p> <p>9 Q. Other than the free form -- the</p> <p>10 ability to free form an item and the item master</p> <p>11 record, were there any other ways that a person</p> <p>12 could purchase items using the P.O. Writer</p> <p>13 software?</p> <p>14 A. So let me make sure I understand</p> <p>15 the question. Are you asking is there another</p> <p>16 way to get data into the system?</p> <p>17 Q. That's correct. My question is</p> <p>18 other than the item master record or by free</p> <p>19 form typing in a specific item, are there any</p> <p>20 other items that a person could purchase using</p> <p>21 the P.O. Writer software? Would all of those</p> <p>22 items be associated with only with the item</p> <p>23 master record or the free form searching?</p> <p>24 A. In order to create a requisition or</p> <p>25 a purchase order, yes, you would need to either</p>

<p>29</p> <p>1 access information from the item master or use</p> <p>2 the free form feature. There were different</p> <p>3 ways to get the software, to get data into the</p> <p>4 database. This entry screen is one way. But in</p> <p>5 order to actually create an order, you would</p> <p>6 either need to use an item that exists in the</p> <p>7 item master or you would use a free form</p> <p>8 feature. Or -- okay.</p> <p>9 Q. I'm sorry, I didn't mean to</p> <p>10 interrupt you. Is your response complete?</p> <p>11 A. No, I'm done.</p> <p>12 Q. This specific page, which is Bates</p> <p>13 numbered L 0126537, there is a screenshot of an</p> <p>14 item master record; is that correct?</p> <p>15 A. Correct.</p> <p>16 Q. And there are several fields that</p> <p>17 are associated with the item master record; is</p> <p>18 that correct?</p> <p>19 A. Um-hum.</p> <p>20 Q. Are there any fields that are</p> <p>21 associated with the item master record, to your</p> <p>22 knowledge, that are missing from this specific</p> <p>23 screenshot?</p> <p>24 A. That are missing from this</p> <p>25 screenshot? Well, if you go to the next page,</p>	<p>31</p> <p>1 Q. I'm just trying to confirm that the</p> <p>2 specific fields that are listed in this</p> <p>3 screenshot that's on L 126537, that those fields</p> <p>4 are the limits to the amount of data for any</p> <p>5 item that's located in the item master record.</p> <p>6 A. Well, there is some data that the</p> <p>7 system, the database itself would maintain that</p> <p>8 would be stored in the database associated with</p> <p>9 the item. So for example, I could put an item</p> <p>10 in, I could use the additional fields that we</p> <p>11 talked about. Then when I'm actually using the</p> <p>12 product, the system would record and the</p> <p>13 database behind the scenes additional</p> <p>14 information for the user. Such as historic</p> <p>15 information used to generate a history card.</p> <p>16 Does that answer your question?</p> <p>17 Q. Sure. Other than the history --</p> <p>18 the historical information that was associated</p> <p>19 with the history card, can you think of any</p> <p>20 other information with regards to an item that</p> <p>21 would be located in the database in the P.O.</p> <p>22 product that could be associated with a specific</p> <p>23 item?</p> <p>24 A. No.</p> <p>25 Q. Now, looking at these specific</p>
<p>30</p> <p>1 you'll see that there are additional fields that</p> <p>2 you could use. So if you go to 858, it looks</p> <p>3 like an 8, it's a little blurry, you can see</p> <p>4 that there was additional functionality that you</p> <p>5 could use. So this was like the main screen,</p> <p>6 the highest level, if you will, and then you</p> <p>7 could put additional information in by using a</p> <p>8 function key.</p> <p>9 So if you go to the next page, you</p> <p>10 could see then you could put in extended</p> <p>11 description, you could put in user defined</p> <p>12 fields. You could also put in inventory control</p> <p>13 data.</p> <p>14 Q. And I understand that there are</p> <p>15 those other user defined fields, and there is</p> <p>16 the inventory control data as well as the</p> <p>17 extended description. But other than those</p> <p>18 three, is there any specific data with regards</p> <p>19 to a specific item that can be inputted into the</p> <p>20 item master file?</p> <p>21 MS. HUGHEY: I'm going to object,</p> <p>22 that's vague. Can you rephrase? .</p> <p>23 A. I guess I'm trying to anticipate</p> <p>24 what you're asking, and I just don't understand</p> <p>25 what you're getting at.</p>	<p>32</p> <p>1 fields that are listed on the item master file,</p> <p>2 do you see the first one says item number?</p> <p>3 A. Um-hum.</p> <p>4 Q. Now, the item number, that's</p> <p>5 generated by the user; correct?</p> <p>6 A. It could be generated by the user.</p> <p>7 Could also be a catalog number. So that means</p> <p>8 it could have been generated by a supplier</p> <p>9 and --</p> <p>10 Q. But -- I'm sorry, I didn't mean to</p> <p>11 interrupt you.</p> <p>12 A. So it could be imported to the item</p> <p>13 master file from an external file, which was</p> <p>14 very common. We had a utility that was called</p> <p>15 the data interface utility that would allow</p> <p>16 people to import information to populate the</p> <p>17 item master record. Or the user could make it</p> <p>18 up.</p> <p>19 Q. So the item number could be</p> <p>20 anything in the P.O. Writer product; is that</p> <p>21 correct?</p> <p>22 A. It just is there to uniquely</p> <p>23 identify the item.</p> <p>24 Q. And the user can key in anything</p> <p>25 they want for the item number; is that correct?</p>

<p>33</p> <p>1 A. They could. I mean, within the</p> <p>2 limits of the field size of course.</p> <p>3 Q. Looking to the third field from the</p> <p>4 bottom, do you see where it says catalog ID?</p> <p>5 A. Correct.</p> <p>6 Q. So the catalog ID, that's also a</p> <p>7 user generated field; correct?</p> <p>8 A. Again, it could be or it could be</p> <p>9 included in an import file.</p> <p>10 Q. Again, the user can determine what</p> <p>11 goes into the catalog ID field?</p> <p>12 A. Sure.</p> <p>13 Q. At their own discretion.</p> <p>14 A. Um-hum.</p> <p>15 Q. And for this specific example</p> <p>16 that's listed here on page L 0126537, there is</p> <p>17 no data associated with the catalog ID; is that</p> <p>18 correct?</p> <p>19 A. That's correct, it's not a</p> <p>20 required -- it was not a required field.</p> <p>21 Q. So a user did not have to enter</p> <p>22 data with regards to the catalog ID associated</p> <p>23 with the specific item in order for the P.O.</p> <p>24 Writer Plus module, purchasing module to</p> <p>25 function; is that correct?</p>	<p>35</p> <p>1 version. But I would have to double-check that.</p> <p>2 Q. But sitting here today you don't</p> <p>3 know whether a user could conduct any sort of</p> <p>4 keyword search associated with the extended</p> <p>5 description; correct?</p> <p>6 A. Correct.</p> <p>7 Q. If I can direct your attention to</p> <p>8 the document that's Bates labelled L 0126541. I</p> <p>9 believe it's page number 11 of the manual.</p> <p>10 A. Um-hum.</p> <p>11 Q. What does this page depict?</p> <p>12 MS. HUGHEY: What page are we on?</p> <p>13 MR. REDDY: I'm sorry, L 126541.</p> <p>14 A. This is the input screen for the</p> <p>15 inventory control master file.</p> <p>16 Q. And what was the inventory control</p> <p>17 module?</p> <p>18 A. It was a separate P.O. Writer Plus</p> <p>19 module that people could buy to manage on hand</p> <p>20 inventory. So this particular screen would be</p> <p>21 used if the user was going to manage inventory</p> <p>22 for an item.</p> <p>23 Q. Now, when you say to manage on hand</p> <p>24 inventory, that refers to the inventory actually</p> <p>25 owned by the user; correct?</p>
<p>34</p> <p>1 A. That's correct.</p> <p>2 Q. Now, going to the next page, which</p> <p>3 is L 0126538, which I think you referred to.</p> <p>4 A. Um-hum.</p> <p>5 Q. You do you see there is three</p> <p>6 additional, I don't know what's the best term to</p> <p>7 use to refer to the extended description, the</p> <p>8 user defined fields or the inventory control</p> <p>9 data, what do you think is the best way to refer</p> <p>10 to those?</p> <p>11 A. I don't know, additional item</p> <p>12 information.</p> <p>13 Q. So for the additional item</p> <p>14 information that's associated with the extended</p> <p>15 description, that's an entirely user generated</p> <p>16 description; correct?</p> <p>17 A. Again, same thing, user could</p> <p>18 control it or import it.</p> <p>19 Q. Right. And a user could not search</p> <p>20 or conduct any keyword search of information</p> <p>21 that was in the extended description; correct?</p> <p>22 A. I would have to double-check. I</p> <p>23 believe that they were using the description 1</p> <p>24 and description 2 if they were going to search</p> <p>25 for an item based on description in this</p>	<p>36</p> <p>1 A. Not always. I mean, there was a</p> <p>2 single database that was the P.O. Writer Plus</p> <p>3 database. But you can see on this particular</p> <p>4 page that you can have -- let's see. Third from</p> <p>5 the bottom, where it says default inventory</p> <p>6 location, you could actually store an item in</p> <p>7 different locations.</p> <p>8 And that location was what you were</p> <p>9 referring to earlier can be defined by a user.</p> <p>10 So it could be a location that was a warehouse</p> <p>11 that was owned by the customer. But it also</p> <p>12 could be a location that might be owned by a</p> <p>13 supplier.</p> <p>14 So for example, one of the things</p> <p>15 people would use our product for was managing</p> <p>16 forms. So if the forms happened to be stored,</p> <p>17 you know, at a vendor site, you could keep track</p> <p>18 of that yourself. But it was simply contained</p> <p>19 within this single database, it was not a case</p> <p>20 where you were going to somebody else's computer</p> <p>21 system and checking inventory. We didn't do</p> <p>22 that.</p> <p>23 Q. When you say that you could store,</p> <p>24 actually store an item in a different location,</p> <p>25 you're referring to that a user could store</p>

<p>37</p> <p>1 specific items in different locations; correct?</p> <p>2 A. That's correct.</p> <p>3 Q. And that's inventory that's</p> <p>4 specific to that user; correct?</p> <p>5 A. That's correct.</p> <p>6 Q. And is it accurate to say that what</p> <p>7 the P.O. Writer system did not do is that it did</p> <p>8 not permit a user to go and check inventory in</p> <p>9 another company's inventory; is that an accurate</p> <p>10 statement?</p> <p>11 MS. HUGHEY: Objection; leading.</p> <p>12 THE WITNESS: Do I answer that?</p> <p>13 MR. REDDY: You can answer it, yes.</p> <p>14 A. The P.O. Writer system only checked</p> <p>15 inventory that existed within the P.O. Writer</p> <p>16 Plus database.</p> <p>17 Q. And the only inventory that could</p> <p>18 be associated with the P.O. Writer Plus database</p> <p>19 would be the inventory owned by the actual user;</p> <p>20 is that correct?</p> <p>21 A. The inventory owned? That would be</p> <p>22 a common practice. I mean, it wouldn't be a</p> <p>23 software limitation, but certainly that would be</p> <p>24 a common practice.</p> <p>25 Q. But with respect to the actual</p>	<p>39</p> <p>1 Q. And what was the purpose of the</p> <p>2 vendor master file?</p> <p>3 A. You would enter supplier or vendor</p> <p>4 information using this screen into the database.</p> <p>5 Q. And what would a user do with the</p> <p>6 information that's stored in the vendor master</p> <p>7 file?</p> <p>8 A. They would use this to create</p> <p>9 requisitions, to generate requests for quotes,</p> <p>10 to generate purchase orders.</p> <p>11 Q. And do you see that there is</p> <p>12 various fields that are associated with the</p> <p>13 vendor master file as depicted on the page</p> <p>14 numbered L 0126543?</p> <p>15 A. I'm sorry, 543?</p> <p>16 Q. Yes, I'm sorry, I'm referring to</p> <p>17 the L numbers. I believe it's page number 13 of</p> <p>18 the manual, the document Bates labelled L</p> <p>19 0126543.</p> <p>20 A. Yes. Um-hum.</p> <p>21 Q. And other than the fields that are</p> <p>22 depicted -- I'm sorry, is this a screenshot of</p> <p>23 the vendor master file that's associated with</p> <p>24 the version 10 of the P.O. Writer product?</p> <p>25 A. Yes.</p>
<p>38</p> <p>1 software that's within the P.O. Writer system, a</p> <p>2 user of the -- the inventory control module only</p> <p>3 permitted a user to manage their own inventory;</p> <p>4 is that correct?</p> <p>5 A. It was designed to manage their own</p> <p>6 inventory.</p> <p>7 Q. And there wasn't any functionality</p> <p>8 that permits a user to manage inventory owned by</p> <p>9 a different entity; is that correct?</p> <p>10 MS. HUGHEY: Objection; leading.</p> <p>11 Q. You can answer.</p> <p>12 A. I'm sorry, one more time.</p> <p>13 Q. There wasn't any functionality in</p> <p>14 the P.O. Writer Plus version 10 system that</p> <p>15 permitted a user to manage inventory owned by a</p> <p>16 different entity?</p> <p>17 A. Correct.</p> <p>18 Q. Now, if I can direct your attention</p> <p>19 to the document marked L 0126543. I believe</p> <p>20 it's page number 13 of the manual.</p> <p>21 A. Um-hum.</p> <p>22 Q. Do you recognize this specific</p> <p>23 page?</p> <p>24 A. I do. It's the P.O. Writer Plus</p> <p>25 vendor master input screen.</p>	<p>40</p> <p>1 Q. Are the specific fields that are</p> <p>2 indicated on this screen that's on document</p> <p>3 Bates labelled L 0126543, are there any other</p> <p>4 fields that could be input into the vendor</p> <p>5 master file?</p> <p>6 A. Yes, there were. And on the next</p> <p>7 page, the 544, it does show additional</p> <p>8 information that you could enter about a</p> <p>9 supplier.</p> <p>10 Q. And those would be vendor notes;</p> <p>11 correct?</p> <p>12 A. That's correct.</p> <p>13 Q. And again, much like the extended</p> <p>14 description that we talked about with respect to</p> <p>15 the master item inventory, that was a free form</p> <p>16 area where a user could input their own data;</p> <p>17 correct?</p> <p>18 A. That's correct.</p> <p>19 Q. And to your knowledge, just as I</p> <p>20 believe you testified to with respect to the</p> <p>21 extended description, you're testifying today</p> <p>22 you're not aware of whether a user could</p> <p>23 manually keyword search information that was</p> <p>24 contained with respect to the vendor notes; is</p> <p>25 that correct?</p>

<p>41</p> <p>1 MS. HUGHEY: Objection; leading.</p> <p>2 A. Correct.</p> <p>3 Q. Thank you.</p> <p>4 Now, with respect to these specific</p> <p>5 fields that are depicted on the document Bates</p> <p>6 labelled L 0126543, the vendor number, is that</p> <p>7 number, again, inputted by the user?</p> <p>8 A. Yes.</p> <p>9 Q. And the catalog ID field that was</p> <p>10 mentioned in the item master file that we just</p> <p>11 discussed, there is no field associated with the</p> <p>12 catalog ID in the vendor master file; is that</p> <p>13 correct?</p> <p>14 A. Correct. The catalog was part of</p> <p>15 the item master.</p> <p>16 Q. And that catalog ID was not</p> <p>17 associated with the vendor master file; is that</p> <p>18 correct?</p> <p>19 MS. HUGHEY: Objection; vague as to</p> <p>20 associated.</p> <p>21 A. The item master file contained user</p> <p>22 defined fields. And those user defined fields</p> <p>23 could and often did contain reference to the</p> <p>24 vendor number. So if a user was going to look</p> <p>25 for an item, and they weren't really sure who</p>	<p>43</p> <p>1 Q. And again, just to your</p> <p>2 recollection today, you don't recall whether a</p> <p>3 user could physically search by keyword</p> <p>4 information that was contained in the user</p> <p>5 defined fields; correct?</p> <p>6 A. In the item master file?</p> <p>7 Q. Correct.</p> <p>8 A. You're asking, let me make sure I</p> <p>9 understand the question. So you're saying if</p> <p>10 they use the user defined field in the item</p> <p>11 master, could they search on the data in those</p> <p>12 user defined fields?</p> <p>13 Q. That's correct. I'm asking so if a</p> <p>14 person turns on their P.O. Writer system and</p> <p>15 they want to conduct a keyword search for</p> <p>16 information that's contained in the user defined</p> <p>17 field, could a person do that?</p> <p>18 A. As it relates to the item master,</p> <p>19 yes.</p> <p>20 Q. And where is that functionality</p> <p>21 disclosed with regards to this specific</p> <p>22 document?</p> <p>23 A. Oh, I don't know.</p> <p>24 Q. Do you have -- is there anything</p> <p>25 you could point to to corroborate the statement</p>
<p>42</p> <p>1 they could buy it from, it was common practice,</p> <p>2 and we educated people on using the item master</p> <p>3 user defined fields, to say things like</p> <p>4 preferred supplier or primary supplier,</p> <p>5 alternate supplier.</p> <p>6 So that would have been an</p> <p>7 implementation of that feature in the item</p> <p>8 master file.</p> <p>9 To answer your question, there is</p> <p>10 no field in the vendor master file called</p> <p>11 catalog. Does that answer your question?</p> <p>12 Q. Specifically I'm just -- you recall</p> <p>13 there was a field in the item master that's</p> <p>14 called catalog ID; correct?</p> <p>15 A. Um-hum.</p> <p>16 Q. There is no reference to that</p> <p>17 catalog ID field in the vendor master file;</p> <p>18 correct?</p> <p>19 A. That's correct.</p> <p>20 Q. And with respect to those user</p> <p>21 defined fields that you just referenced, those</p> <p>22 user defined fields, again, are free form fields</p> <p>23 where a user could manually input whatever</p> <p>24 information they want?</p> <p>25 A. Absolutely.</p>	<p>44</p> <p>1 that a person could conduct a keyword search for</p> <p>2 information with respect to the user defined</p> <p>3 fields?</p> <p>4 A. Can I refer to the demonstration</p> <p>5 from the original trial, the SAP trial?</p> <p>6 Q. You haven't provided a</p> <p>7 demonstration to Lawson in this litigation;</p> <p>8 correct?</p> <p>9 A. No.</p> <p>10 Q. And you haven't provided any</p> <p>11 documents to Lawson in this litigation; correct?</p> <p>12 A. No.</p> <p>13 Q. So anything that you would use to</p> <p>14 corroborate your statement that a user may be</p> <p>15 able to conduct a keyword search of the user</p> <p>16 defined fields, anything that you use to</p> <p>17 corroborate that would be based on your</p> <p>18 testimony from the SAP litigation; correct?</p> <p>19 MS. HUGHEY: Objection;</p> <p>20 mischaracterizes the witness' testimony.</p> <p>21 Q. You can answer.</p> <p>22 A. I would refer to my demonstration</p> <p>23 testimony to help you understand this.</p> <p>24 Q. And that's the testimony that you</p> <p>25 gave in the SAP litigation; correct?</p>

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<p>45</p> <p>1 A. Correct.</p> <p>2 Q. And other than that testimony,</p> <p>3 there is nothing else you can point to to</p> <p>4 corroborate whether or not a user could conduct</p> <p>5 a keyword search of the user defined fields in</p> <p>6 version number 10 of the P.O. Writer system; is</p> <p>7 that correct?</p> <p>8 A. Give me just a few minutes, I could</p> <p>9 look through here and see if it's in here. I</p> <p>10 just don't remember off the top of my head.</p> <p>11 Q. Please, go ahead. Take all the</p> <p>12 time you need.</p> <p>13 A. Nope, I don't see anything.</p> <p>14 Q. So there is nothing in the guided</p> <p>15 tour which discusses a user's ability to conduct</p> <p>16 a keyword search of the user defined fields</p> <p>17 associated with the item master record in</p> <p>18 version 10; correct?</p> <p>19 A. I don't see any.</p> <p>20 MS. HUGHEY: Mischaracterizes the</p> <p>21 witness' testimony. Objection.</p> <p>22 MR. REDDY: So I believe we've been</p> <p>23 going for a little bit over an hour, so now</p> <p>24 might be a good time for a short break.</p> <p>25 THE WITNESS: Okay.</p>	<p>47</p> <p>1 in the P.O. Writer Plus system?</p> <p>2 A. Yes.</p> <p>3 Q. Is there anything else you can tell</p> <p>4 me about what the purpose is of the electronic</p> <p>5 history card?</p> <p>6 A. No, it's for history.</p> <p>7 Q. So it just permitted a user to</p> <p>8 track the history of different purchases of a</p> <p>9 specific item; is that correct?</p> <p>10 MS. HUGHEY: Objection; leading.</p> <p>11 A. It would allow people to look at</p> <p>12 anything associated with the item. So for</p> <p>13 example, if the item was sent out for quote, it</p> <p>14 would note the quote number. If it was</p> <p>15 purchased, it would note the purchase number.</p> <p>16 So it was not just purchase history, it was</p> <p>17 history about activity around the system.</p> <p>18 Q. But it was history with regards to</p> <p>19 activity for the specific item; correct?</p> <p>20 A. That's correct.</p> <p>21 Q. If I can direct you to the next</p> <p>22 page, which is Bates labelled L 0126552.</p> <p>23 A. Um-hum.</p> <p>24 Q. Does this screen depict a purchase</p> <p>25 order history?</p>
<p>46</p> <p>1 THE VIDEOGRAPHER: Going off the</p> <p>2 record at 10:38.,</p> <p>3 (A recess was taken.)</p> <p>4 THE VIDEOGRAPHER: Back on the</p> <p>5 record, 11:52.,</p> <p>6 BY MR. REDDY:</p> <p>7 Q. Ms. McEneny, I would like to direct</p> <p>8 your attention to the document that's Bates</p> <p>9 labelled L 0126551. The heading of it is "P.O.</p> <p>10 Writer Plus 3, creating purchase orders." I</p> <p>11 believe it's page 21 of the manual.</p> <p>12 Now, this section regarding</p> <p>13 creating purchase orders, can you just describe</p> <p>14 generally what that section is about?</p> <p>15 A. This section of the manual would</p> <p>16 teach a user the basic options for creating an</p> <p>17 order in the P.O. Writer system.</p> <p>18 Q. And I would like to direct your</p> <p>19 attention to, there is a paragraph that begins</p> <p>20 P.O. Writer Plus, I believe it states "P.O.</p> <p>21 Writer Plus has an 'electronic history card'.</p> <p>22 This feature allows you to stop keeping manual</p> <p>23 records of purchase history."</p> <p>24 Does that accurately depict what</p> <p>25 the purpose of the electronic history card was</p>	<p>48</p> <p>1 A. Yes, it does.</p> <p>2 Q. And if I can direct your attention</p> <p>3 to the paragraph at the top of the page, it</p> <p>4 states "the purchase order history screen shows</p> <p>5 that you have purchased A1000 twice from Best</p> <p>6 Buy Supply and issued an RFQ to Bayless."</p> <p>7 Did I read that correctly?</p> <p>8 A. Correct.</p> <p>9 Q. So the screenshot here depicts the</p> <p>10 history of requests or are purchases associated</p> <p>11 with that a specific item A1000; correct?</p> <p>12 A. Correct.</p> <p>13 Q. And in this example, there are</p> <p>14 three different entries; correct?</p> <p>15 A. Yes.</p> <p>16 Q. And two of those are associated</p> <p>17 with a vendor called Best Buy Supply?</p> <p>18 A. Um-hum.</p> <p>19 Q. I'm sorry, is that a yes?</p> <p>20 A. That's a yes.</p> <p>21 Q. And one of those is associated with</p> <p>22 a company called Bayless Stationers; is that</p> <p>23 correct?</p> <p>24 A. That's correct.</p> <p>25 Q. So this specific item number is not</p>

<p>49</p> <p>1 tied to any particular single source; correct?</p> <p>2 MS. HUGHEY: Objection; vague.</p> <p>3 A. This is, this history card is</p> <p>4 showing three transactions for the item A1000.</p> <p>5 Q. But that item number, A1000, is not</p> <p>6 tied to a particular single source; correct?</p> <p>7 MS. HUGHEY: Objection; same</p> <p>8 objection; vague.</p> <p>9 A. Correct. I believe it's -- they're</p> <p>10 independent suppliers that are shown on this</p> <p>11 history card. The activity is three different</p> <p>12 types of activity. Or in this case.</p> <p>13 Q. And that -- I'm sorry, I didn't</p> <p>14 mean to interrupt you.</p> <p>15 A. No.</p> <p>16 Q. And that history reflects that this</p> <p>17 item number is associated with more than one</p> <p>18 source; correct?</p> <p>19 A. That's correct.</p> <p>20 Q. And I'm sorry, I'll withdraw that</p> <p>21 question.</p> <p>22 If I can direct your attention to</p> <p>23 the paragraph located immediately below the</p> <p>24 screen. It says "you can now buy this item from</p> <p>25 Best Buy, Bayless or any other vendor you would</p>	<p>51</p> <p>1 Q. So it was entirely up to the user</p> <p>2 to decide from whom they would purchase a</p> <p>3 specific item; correct?</p> <p>4 A. On this particular screen, which is</p> <p>5 on creating a purchase order, this screen would</p> <p>6 typically be used by a buyer. And a buyer in</p> <p>7 this product was not limited on who they could</p> <p>8 buy from. So they could buy from, in this</p> <p>9 example, the two suppliers that are shown, Best</p> <p>10 Buy or Bayless, or the buyer could pick another</p> <p>11 supplier that was in the P.O. Writer Plus vendor</p> <p>12 master file.</p> <p>13 Q. Is it an accurate statement to say,</p> <p>14 is the catalog in the P.O. Writer Plus system</p> <p>15 always tied to a vendor and is that always a</p> <p>16 requirement -- I'm sorry, let me start over</p> <p>17 again.</p> <p>18 Is it an accurate statement to say</p> <p>19 that the catalog in the P.O. Writer system is</p> <p>20 not tied to a vendor and that by design the P.O.</p> <p>21 Writer system was designed to be very flexible?</p> <p>22 MS. HUGHEY: Objection; compound.</p> <p>23 Objection; vague.</p> <p>24 THE WITNESS: Where do I go?</p> <p>25 MR. REDDY: You can answer the</p>
<p>50</p> <p>1 like to select."</p> <p>2 Did I read that correctly?</p> <p>3 A. Yes.</p> <p>4 Q. Now, the only reason that this</p> <p>5 particular item, A1000, is associated with these</p> <p>6 two sources, Best Buy Supply and Bayless</p> <p>7 Stationers, is because of the history; correct?</p> <p>8 MS. HUGHEY: Objection; vague.</p> <p>9 A. In this example those three</p> <p>10 transactions would be in the P.O. Writer</p> <p>11 database in order to show up on this card.</p> <p>12 Q. That's correct. So the only reason</p> <p>13 that this item number is tied to Best Buy Supply</p> <p>14 or Bayless Stationers is because of the history;</p> <p>15 correct?</p> <p>16 MS. HUGHEY: Objection; vague.</p> <p>17 A. In this example, yes.</p> <p>18 Q. Now, when it says you can now buy</p> <p>19 this item from Best Buy, Bayless or any other</p> <p>20 vendor you would like to select, does that</p> <p>21 indicate that the vendor can -- the vendor --</p> <p>22 I'm sorry, the user independently determines the</p> <p>23 vendor from whom it purchased the item?</p> <p>24 A. That states that they could select</p> <p>25 another supplier.</p>	<p>52</p> <p>1 question.</p> <p>2 A. Let me tell you what I think you</p> <p>3 said, just to make sure I understood this. I</p> <p>4 think the first thing you said is that the</p> <p>5 catalog is not tied to the vendor master. Is</p> <p>6 that what you said?</p> <p>7 Q. Perhaps let me, I'll try and divide</p> <p>8 up the question, hopefully that will simplify it</p> <p>9 a little bit.</p> <p>10 A. Okay.</p> <p>11 Q. Is it an accurate statement to say</p> <p>12 that the catalog in the P.O. Writer system is</p> <p>13 not always tied to a vendor?</p> <p>14 A. Is not always tied to a vendor.</p> <p>15 that's correct.</p> <p>16 Q. Is it also an accurate statement to</p> <p>17 say that by design the P.O. Writer system was</p> <p>18 designed to be very flexible with regards to</p> <p>19 places from which a user could purchase a</p> <p>20 specific item?</p> <p>21 A. Yes.</p> <p>22 Q. And is it also accurate to say that</p> <p>23 the catalog in the P.O. Writer system may or may</p> <p>24 not be associated with a supplier?</p> <p>25 A. Catalog is associated with the</p>

<p>53</p> <p>1 item.</p> <p>2 When we were on break -- can I make</p> <p>3 a comment?</p> <p>4 Q. Perhaps we should go off the</p> <p>5 record.</p> <p>6 THE WITNESS: Okay, could we.</p> <p>7 THE VIDEOGRAPHER: Going off the</p> <p>8 record at 12 o'clock.</p> <p>9 (Discussion off the record.)</p> <p>10 THE VIDEOGRAPHER: Back on the</p> <p>11 record, 12:01.,</p> <p>12 BY MR. REDDY:</p> <p>13 Q. Now, I believe you just stated that</p> <p>14 the catalog was associated with the specific</p> <p>15 item; is that correct?</p> <p>16 A. Correct.</p> <p>17 Q. So the catalog is not associated</p> <p>18 with the supplier; is that an accurate</p> <p>19 statement?</p> <p>20 MS. HUGHEY: Objection;</p> <p>21 mischaracterizes the witness' testimony.</p> <p>22 A. The catalog ID is part of the item</p> <p>23 master file, period. There is no catalog ID in</p> <p>24 the vendor master.</p> <p>25 Q. Now, with respect to the user</p>	<p>55</p> <p>1 Q. Do you know who AR is?</p> <p>2 A. That would be Andy Russo.</p> <p>3 Q. And this document was produced by</p> <p>4 Purchasing Net in the SAP litigation; correct?</p> <p>5 A. Yes, it was.</p> <p>6 Q. And are these, do these notes from</p> <p>7 Mr. Russo suggest that this was a draft document</p> <p>8 that needed to be further revised?</p> <p>9 A. I don't know.</p> <p>10 Q. Do you have any independent</p> <p>11 recollection one way or another whether or not</p> <p>12 this document, which is Exhibit No. 2, is a</p> <p>13 draft document?</p> <p>14 A. I don't know.</p> <p>15 Q. Do you know why Mr. Russo would</p> <p>16 have placed these notes on this document.</p> <p>17 A. I have no idea.</p> <p>18 Q. If I can direct your attention to</p> <p>19 the document that's Bates labelled L 0126662,</p> <p>20 It's page number 131 of the manual.</p> <p>21 So this section entitled "purchase</p> <p>22 requisitioning," what is this section about?</p> <p>23 A. This teaches a user how to use the</p> <p>24 purchasing -- excuse me, the purchase</p> <p>25 requisitioning module.</p>
<p>54</p> <p>1 defined fields, the extended description and the</p> <p>2 vendor notes fields, does -- could a user</p> <p>3 conduct a keyword search of the specific</p> <p>4 information that was manually entered by a user</p> <p>5 into those free form areas?</p> <p>6 A. After looking through this guided</p> <p>7 tour, it appears in this version that the user</p> <p>8 could not search on the item master extended</p> <p>9 description. They could search on description 1</p> <p>10 and description 2 in the item master.</p> <p>11 It also appears from this document</p> <p>12 that I'm looking at that the user defined fields</p> <p>13 were for reference and not searchable in this</p> <p>14 version. That's what it looks like to me after</p> <p>15 looking at the manual.</p> <p>16 Q. If I could direct your attention to</p> <p>17 the document that's Bates labelled L 0126617,</p> <p>18 It's page 87 of the manual.</p> <p>19 I would like to ask specifically</p> <p>20 about the notes that are located at the top of</p> <p>21 the page. Can you make out what's written</p> <p>22 there?</p> <p>23 A. It looks like these are the page</p> <p>24 prestige lost, page 9 needs paste in, AR,</p> <p>25 5/7/93.</p>	<p>56</p> <p>1 Q. And if I can direct your attention</p> <p>2 to what appears to be a screenshot located at</p> <p>3 the top of the page.</p> <p>4 A. Um-hum.</p> <p>5 Q. Does that depict the functionality</p> <p>6 or the requisition interface for the P.O. Writer</p> <p>7 Plus version 10?</p> <p>8 A. Yes.</p> <p>9 Q. And if I can direct your attention</p> <p>10 to the paragraph that's located underneath the</p> <p>11 screenshot, it indicates "items from a specific</p> <p>12 catalog can be displayed by entering a catalog</p> <p>13 ID at the top of the screen."</p> <p>14 Did I read that correctly?</p> <p>15 A. Correct.</p> <p>16 Q. So that catalog ID, that's derived</p> <p>17 from the item master record; is that correct?</p> <p>18 A. That's correct.</p> <p>19 MS. HUGHEY: Objection; leading.</p> <p>20 A. That's correct.</p> <p>21 Q. And that catalog ID information is</p> <p>22 inputted by the user as they're setting up the</p> <p>23 P.O. Writer Plus system; is that correct?</p> <p>24 A. Right, input by the user or</p> <p>25 imported through the data interface utility.</p>

<p>57</p> <p>1 Q. If I can direct your attention to</p> <p>2 two pages further, it's document Bates labelled</p> <p>3 L 0126664.</p> <p>4 You see at the top it depicts what</p> <p>5 appears to be a screenshot. Does that appear to</p> <p>6 be a screenshot?</p> <p>7 A. Yes.</p> <p>8 Q. And where it says catalog all, this</p> <p>9 screenshot depicts all items that are in the</p> <p>10 P.O. Writer Plus system as demonstrated in this</p> <p>11 manual; is that correct?</p> <p>12 A. I'm sorry.</p> <p>13 Q. This specific screenshot, where it</p> <p>14 says all next to catalog.</p> <p>15 A. Um-hum.</p> <p>16 Q. So this would depict all items that</p> <p>17 are in this specific example of the system;</p> <p>18 correct?</p> <p>19 A. That's right. On the prior screen,</p> <p>20 the user was directed, in this teaching example,</p> <p>21 to -- there were different ways that you could</p> <p>22 create the list of things that you might want to</p> <p>23 request. In this particular example, they're</p> <p>24 teaching the user to use -- to create a list by</p> <p>25 just the description. So the result then is the</p>	<p>59</p> <p>1 specific example, are depicted in the screenshot</p> <p>2 on L 0126664; correct?</p> <p>3 A. Correct.</p> <p>4 Q. And that doesn't include any</p> <p>5 information with respect to the specific</p> <p>6 suppliers from whom one could purchase these</p> <p>7 specific items; correct?</p> <p>8 A. On this exact screen at this moment</p> <p>9 in time, the answer would be no. But you'll</p> <p>10 notice at the bottom you have additional</p> <p>11 function keys that you could use, that would</p> <p>12 allow the user to drill in and get more</p> <p>13 information.</p> <p>14 Q. And again, those additional</p> <p>15 function keys are the extended description;</p> <p>16 correct?</p> <p>17 A. Well, it's one of them is they</p> <p>18 wanted more information, the shift, I believe</p> <p>19 it's F5, is for additional description. And the</p> <p>20 shift F4 is for additional line information. So</p> <p>21 that, let's see if they have one in here.</p> <p>22 Then if you look at the next page,</p> <p>23 this would be an example, on 665, of the</p> <p>24 additional information that might be available</p> <p>25 to the user.</p>
<p>58</p> <p>1 system is coming back and saying no specific</p> <p>2 catalog was specified. So all are being</p> <p>3 considered and blank would be all.</p> <p>4 And then this is, in this example,</p> <p>5 giving just a full list of the items that were</p> <p>6 in the database, the example database that was</p> <p>7 provided with the guided tour booklet.</p> <p>8 Q. And with regards to the items that</p> <p>9 are located in these specific search results,</p> <p>10 there is no supplier that's associated with any</p> <p>11 of these items; correct?</p> <p>12 MS. HUGHEY: Objection; vague.</p> <p>13 A. What you're looking at is simply a</p> <p>14 list of the items that are in the item master</p> <p>15 that met the criteria on the prior page.</p> <p>16 Q. And this describes all of the items</p> <p>17 in the item master record; correct?</p> <p>18 A. Based on the search criteria, yes.</p> <p>19 Q. And the only search criteria that</p> <p>20 are available are item numbers sequence, item</p> <p>21 description sequence and commodity code</p> <p>22 sequence; correct?</p> <p>23 A. That's correct.</p> <p>24 Q. And the results that are associated</p> <p>25 with all items that are in the database, in this</p>	<p>60</p> <p>1 Q. And these additional line</p> <p>2 information, the next page, if we can go to</p> <p>3 that, which is L 126665.</p> <p>4 A. Um-hum.</p> <p>5 Q. That depicts several additional</p> <p>6 fields; correct?</p> <p>7 A. Right. But that's all you would</p> <p>8 get at this point. Whatever was populated, you</p> <p>9 would see it there.</p> <p>10 Q. And so those fields in the item</p> <p>11 line description as depicted on L 0126665,</p> <p>12 including due date, account requisitioner,</p> <p>13 department, user defined field number 7, user</p> <p>14 defined field number 8, tax 1, tax 2, fractional</p> <p>15 quantity, VOM?</p> <p>16 A. UOM, unit of measure.</p> <p>17 Q. UOM, and unit price.</p> <p>18 A. Right.</p> <p>19 Q. Other than those fields, are there</p> <p>20 any other fields that were associated with the</p> <p>21 additional line information?</p> <p>22 MS. HUGHEY: Objection;</p> <p>23 mischaracterizes the exhibit.</p> <p>24 A. This is, if you were to press the</p> <p>25 combination that is the shift F4, this is all</p>

<p>61</p> <p>1 the information you would see. If you pressed</p> <p>2 control, I believe it's function 5, then you</p> <p>3 would see the item master extended description,</p> <p>4 which probably is in here. No, it's not.</p> <p>5 Q. The item extended description, that</p> <p>6 is what we previously discussed; correct?</p> <p>7 A. That's right.</p> <p>8 Q. So the extended item description,</p> <p>9 that's that free form description where a user</p> <p>10 could input whatever information they wanted to?</p> <p>11 A. Correct.</p> <p>12 Q. With regards to that specific item</p> <p>13 in the item master record; correct?</p> <p>14 A. Correct.</p> <p>15 Q. And with regards to the additional</p> <p>16 line information, that includes only the</p> <p>17 information that's depicted on document Bates</p> <p>18 labelled L 0126665, the eleven fields that are</p> <p>19 depicted on that specific page; is that correct?</p> <p>20 A. Correct.</p> <p>21 Q. And so between -- I'm sorry.</p> <p>22 Other than the extended</p> <p>23 description, the additional line information,</p> <p>24 there are no other -- there is no other</p> <p>25 information that a user could obtain in this</p>	<p>63</p> <p>1 supplier, that could be shown in place of user</p> <p>2 defined field 7, user defined field 8.</p> <p>3 Q. So the only way the search results</p> <p>4 would indicate a supplier for a product would be</p> <p>5 if the user manually inputted that information</p> <p>6 in either user defined field number 7 or user</p> <p>7 defined field number 8, and the additional line</p> <p>8 information which the user can see by pressing</p> <p>9 shift and F4 from the results screen; correct?</p> <p>10 A. That's correct.</p> <p>11 Q. If I can direct your attention to</p> <p>12 the document that's Bates labelled L 0126680.</p> <p>13 I'm sorry, there is one further question. If we</p> <p>14 can go back to the previous page, L 0126664. If</p> <p>15 the user decides, for example, that they want</p> <p>16 the second item that's located here, 3/8th inch</p> <p>17 drill bits, what would they do?</p> <p>18 A. They would move the cursor down</p> <p>19 next to the item they want, and they would input</p> <p>20 a quantity.</p> <p>21 Q. And then what?</p> <p>22 A. Oh, let's see, and then what would</p> <p>23 they do.</p> <p>24 Q. Perhaps I can rephrase the</p> <p>25 question. After the user enters the quantity,</p>
<p>62</p> <p>1 specific example searching for items that are in</p> <p>2 the entire catalog in this specific example;</p> <p>3 correct?</p> <p>4 MS. HUGHEY: Objection; vague.</p> <p>5 A. On this page, this is all you can</p> <p>6 do, at this point in using the product.</p> <p>7 Q. And just so I'm clear, the only</p> <p>8 search results a user could obtain when using</p> <p>9 the P.O. Writer Plus product were the three</p> <p>10 items listed here, which are item number</p> <p>11 sequence, item description sequence, and</p> <p>12 commodity code sequence, with the additional</p> <p>13 option of being able to view the extended</p> <p>14 description and the additional line information;</p> <p>15 is that correct?</p> <p>16 A. At this point in using the product,</p> <p>17 the way the user is being taught, that's</p> <p>18 correct.</p> <p>19 Q. And so at this point when using the</p> <p>20 product, when a user is reviewing the results of</p> <p>21 their search, there is no source information for</p> <p>22 any of these items; correct?</p> <p>23 MS. HUGHEY: Objection; vague.</p> <p>24 A. If they used user defined field for</p> <p>25 specifying a preferred supplier or an alternate</p>	<p>64</p> <p>1 does that information then go to a requisition?</p> <p>2 A. They're building a requisition</p> <p>3 here. So they would really have a couple of</p> <p>4 choices. The they would put in a quantity of</p> <p>5 the item they wanted, if they found it. If</p> <p>6 based on their search they didn't find the item</p> <p>7 they wanted, they could go back and they could</p> <p>8 do another search and look for the item. But in</p> <p>9 this example if they only wanted one item, they</p> <p>10 could continue on to create a requisition.</p> <p>11 Q. So my question is specific to just</p> <p>12 this one example, where a user sees the results,</p> <p>13 they decide they want 3/8ths inch drill bits,</p> <p>14 and they enter into a quantity for that number.</p> <p>15 A. Um-hum.</p> <p>16 Q. Do the 3/8th inch drill bits then</p> <p>17 go directly to the requisition?</p> <p>18 A. It goes to -- it's going to go on</p> <p>19 to the requisition, correct. And then if you go</p> <p>20 to 666.</p> <p>21 Q. I'm sorry.</p> <p>22 A. It's the user manual page, 135.</p> <p>23 And it's the page numbering ending in 666.</p> <p>24 This is then where they fill in</p> <p>25 header information for the requisition. So the</p>

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<p>65</p> <p>1 purpose of this part of the manual was simply to</p> <p>2 teach people how to create a purchase</p> <p>3 requisition. With the idea being that it would</p> <p>4 flow through and become either a quote or an</p> <p>5 order.</p> <p>6 Q. So there is no intermediate step</p> <p>7 between selecting that item and having that</p> <p>8 information transported to the requisition; is</p> <p>9 that correct?</p> <p>10 A. When you mean intermediate,</p> <p>11 intermediate step?</p> <p>12 Q. I believe your testimony was that</p> <p>13 if the user were to select those 3/8th inch</p> <p>14 drill bits and entered a quantity for that</p> <p>15 information, that the user would then be</p> <p>16 transported to the requisition header</p> <p>17 information screen; is that correct?</p> <p>18 A. Right.</p> <p>19 Q. And that requisition header</p> <p>20 information is associated with the requisition;</p> <p>21 correct?</p> <p>22 A. Correct.</p> <p>23 Q. So is there any intermediate step</p> <p>24 that a user would undertake between entering the</p> <p>25 quantity for that specific item before they got</p>	<p>67</p> <p>1 me in this case I want a drill bit. I want a</p> <p>2 drill bit, and maybe I want to, on the</p> <p>3 requisition header, you know, specify somebody.</p> <p>4 They're done in the process.</p> <p>5 If somebody is going to go buy it</p> <p>6 from them, the people who we sold to are</p> <p>7 typically buyers, and that's where the buyer</p> <p>8 gets involved is on this page in the manual. So</p> <p>9 the buyer is going to turn the requisition into</p> <p>10 something, or they're going to look at the</p> <p>11 requisition and say you can't have it. So</p> <p>12 something is going to happen to that requisition</p> <p>13 at this point.</p> <p>14 Q. So is it accurate to say that the</p> <p>15 P.O. Writer Plus system was designed so that the</p> <p>16 person who ultimately made the purchasing</p> <p>17 decisions was distinct from the person who was</p> <p>18 deciding what specific items they wanted?</p> <p>19 A. They could be -- you know, that's a</p> <p>20 yes and no answer.</p> <p>21 Sometimes people that bought our</p> <p>22 product knew very clearly who they wanted</p> <p>23 something from. Maybe they were an engineer.</p> <p>24 And they knew that they wanted a very specific</p> <p>25 item and they wanted it from a very specific</p>
<p>66</p> <p>1 to the requisition?</p> <p>2 A. To the requisition header, no.</p> <p>3 Q. Now if I could direct your</p> <p>4 attention to the document labelled L 0126680.</p> <p>5 The heading of this, there is the number 14</p> <p>6 period, and then it states "requisitioning</p> <p>7 interface."</p> <p>8 What does requisitioning interface</p> <p>9 mean?</p> <p>10 A. When the requisitioner is done with</p> <p>11 their request, and basically that's them saying,</p> <p>12 in this case I want the drill bit. Then that</p> <p>13 user community or that particular user is</p> <p>14 finished. The requisition interface was a piece</p> <p>15 of software that was designed for the buyer. So</p> <p>16 again, in the purchasing department, you have</p> <p>17 people that are taking care of the end user, the</p> <p>18 requester's needs.</p> <p>19 The purpose of this was to allow a</p> <p>20 buyer to manage requisitions.</p> <p>21 Q. Now, when you say that the</p> <p>22 particular user is finished once they enter into</p> <p>23 the quantity of the specific item that they</p> <p>24 want, what do you mean by that?</p> <p>25 A. They're finished. They are telling</p>	<p>68</p> <p>1 company, because it was just part of their</p> <p>2 engineering process. But you might also have</p> <p>3 another user who doesn't really care where, you</p> <p>4 know, where you get it, the drill bit. I don't</p> <p>5 care where you get the drill bit, just get me a</p> <p>6 drill bit.</p> <p>7 Typically then that would be</p> <p>8 something that a buyer would go out and procure.</p> <p>9 Because it's not very specific to a project,</p> <p>10 it's not engineering related, it's something</p> <p>11 that they just want to get.</p> <p>12 Q. Is it accurate to state that there</p> <p>13 were two user communities associated with the</p> <p>14 P.O. Writer Plus product?</p> <p>15 MS. HUGHEY: Objection; vague.</p> <p>16 Q. You can answer if you understand my</p> <p>17 question.</p> <p>18 A. Well, there is several user</p> <p>19 communities. On the requisitioning side, you</p> <p>20 know, as I mentioned, you might have a technical</p> <p>21 person, like a research person. And then you</p> <p>22 might just have just a general user that needs</p> <p>23 papers, pens, things like that. So there could</p> <p>24 be two communities on the requester side. And</p> <p>25 across the business process, then there are</p>

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<p>69</p> <p>1 requesters as a user community, and then there</p> <p>2 are people in the purchasing department as</p> <p>3 another user community.</p> <p>4 Q. So I believe you identified two</p> <p>5 user communities then; correct? There is the</p> <p>6 requester community and the purchasing</p> <p>7 department community; is that correct?</p> <p>8 A. I did identify those as two</p> <p>9 separate groups, yes.</p> <p>10 Q. Are those the only communities,</p> <p>11 user communities for whom the P.O. Writer Plus</p> <p>12 product was designed for?</p> <p>13 A. No. There were others, depending</p> <p>14 on the modules that people purchased at that</p> <p>15 point in time.</p> <p>16 Q. And how would you define those</p> <p>17 other communities for whom the product was made</p> <p>18 for?</p> <p>19 A. The inventory control module might</p> <p>20 be used for -- used by the warehouse people. So</p> <p>21 that might be an additional community. That</p> <p>22 just is an example.</p> <p>23 Q. Other than the individuals in the</p> <p>24 warehouse that are managing the inventory, the</p> <p>25 requisitioning community or the purchasing</p>	<p>71</p> <p>1 Q. You can answer.</p> <p>2 A. At a high level, generally, yes,</p> <p>3 there are two major communities. People that</p> <p>4 need things and the people that serve those</p> <p>5 needs.</p> <p>6 Q. Is it also an accurate statement</p> <p>7 that once the requisitioners -- I'm sorry, let</p> <p>8 me strike that and start over again.</p> <p>9 Is it an accurate statement to say</p> <p>10 that once the requisitions were the way the user</p> <p>11 wanted them, they would send them to purchasing?</p> <p>12 MS. HUGHEY: Objection; vague.</p> <p>13 Q. You can answer if you understand</p> <p>14 the question.</p> <p>15 A. When the request was completed it</p> <p>16 was available to people in purchasing. Does</p> <p>17 that answer your question?</p> <p>18 Q. If we can return to the document</p> <p>19 that's at L 0126680.</p> <p>20 A. Um-hum.</p> <p>21 Q. So that this requisitioning</p> <p>22 interface, who used the requisitioning</p> <p>23 interface?</p> <p>24 A. Typically a buyer.</p> <p>25 Q. Now, if I can direct your attention</p>
<p>70</p> <p>1 community, can you identify any other users of</p> <p>2 the P.O. Writer Plus system?</p> <p>3 A. No. Again, as it relates to</p> <p>4 modules that they might have. One of the</p> <p>5 modules people could buy is receiving. And</p> <p>6 depending on the size of the company, there</p> <p>7 might be a receiving doc or a receiving</p> <p>8 department that could be a community.</p> <p>9 There was an interface called the</p> <p>10 accounts payable interface, and that community</p> <p>11 could be the accounts payable department. So</p> <p>12 that might be an additional community.</p> <p>13 Q. So whether or not those other user</p> <p>14 communities would use the P.O. Writer system was</p> <p>15 dependent upon whether or not that customer</p> <p>16 purchased those additional modules; correct?</p> <p>17 A. Yes.</p> <p>18 Q. Now, specific just to the</p> <p>19 purchasing and requisitioning side of the P.O.</p> <p>20 Writer Plus system, is it accurate to say that</p> <p>21 there are only two user communities that are</p> <p>22 associated with that specific aspect of the</p> <p>23 product?</p> <p>24 MS. HUGHEY: Objection; asked and</p> <p>25 answered.</p>	<p>72</p> <p>1 to the page of the manual that's 151, which is</p> <p>2 the document Bates labelled L 0126682.</p> <p>3 A. Um-hum.</p> <p>4 Q. There is a screenshot located at</p> <p>5 the top of the page.</p> <p>6 A. Um-hum.</p> <p>7 Q. And it states "selection" -- at the</p> <p>8 top of the page it states "selection number 3</p> <p>9 allows you to consolidate or split</p> <p>10 requisitions." Correct?</p> <p>11 A. Correct.</p> <p>12 Q. Did I read that correctly?</p> <p>13 A. Correct.</p> <p>14 Q. So what was the purpose of this</p> <p>15 specific feature?</p> <p>16 A. This feature would allow a buyer to</p> <p>17 do what it says, it allows them to take multiple</p> <p>18 requisitions and combine them on to a single</p> <p>19 order. Conversely, they could take a single</p> <p>20 requisition and split it into multiple orders.</p> <p>21 Q. Now, if I can direct your attention</p> <p>22 to the screenshot. There is several fields that</p> <p>23 are associated with each item; correct?</p> <p>24 A. Correct.</p> <p>25 Q. And in this specific example at the</p>

<p>73</p> <p>1 top it looks like those 3/8th inch drill bits</p> <p>2 were selected; correct?</p> <p>3 A. Correct.</p> <p>4 Q. And there are several fields that</p> <p>5 include, one of which includes vendor from REQ.;</p> <p>6 correct?</p> <p>7 A. I'm sorry, ask your question again.</p> <p>8 I'm busy trying to read. I can hardly read this</p> <p>9 screen.</p> <p>10 Q. There are several fields associated</p> <p>11 with this specific screenshot in the requisition</p> <p>12 consolidating and splitting module. One of</p> <p>13 which includes vendor from REQ.; correct?</p> <p>14 A. Correct.</p> <p>15 Q. And is the purpose of that field</p> <p>16 that the user could specify the vendor from whom</p> <p>17 they wanted to purchase that specific item?</p> <p>18 A. They could suggest the vendor, yes.</p> <p>19 Q. And if I can direct your attention</p> <p>20 to the last paragraph on the page, it states "we</p> <p>21 can now select a vendor for each item or we can</p> <p>22 have the system do it for us."</p> <p>23 A. Correct.</p> <p>24 Q. "The system will select a vendor</p> <p>25 based on the last PO for a given item."</p>	<p>75</p> <p>1 history, and that is not necessarily a PO, it</p> <p>2 could be a contract, it could be a request for</p> <p>3 quote, that type of thing.</p> <p>4 So the two ways to, on this</p> <p>5 particular screen, populate the field in</p> <p>6 question, which is vendor from REQ, would be</p> <p>7 just those two methods. And it can remain blank</p> <p>8 at this point, it doesn't have to have a vendor</p> <p>9 number.</p> <p>10 Q. So at this stage, where a user is</p> <p>11 attempting to consolidate or split requisitions,</p> <p>12 the vendor information is either blank -- I'm</p> <p>13 sorry, let me start over again.</p> <p>14 With respect to this specific stage</p> <p>15 of the requisition consolidation and splitting</p> <p>16 module, the vendor information can be blank;</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. And also with respect to this</p> <p>20 specific stage of the consolidation and</p> <p>21 splitting module, the vendor information could</p> <p>22 be manually inputted by the user; correct?</p> <p>23 A. Correct.</p> <p>24 Q. And with respect to this specific</p> <p>25 module for consolidating and splitting</p>
<p>74</p> <p>1 A. That is what it says, correct.</p> <p>2 Q. And did I read that correctly?</p> <p>3 A. Yes.</p> <p>4 Q. And so is the only way that the</p> <p>5 vendor information ends up on this specific</p> <p>6 consolidation and splitting module, the only</p> <p>7 ways that that -- I'm sorry, let me start over</p> <p>8 again.</p> <p>9 Is it true that there is only two</p> <p>10 ways that vendor information arrives on to the</p> <p>11 consolidation and splitting module, one of which</p> <p>12 is that the user selects the vendor themselves,</p> <p>13 and the second of which is that the system</p> <p>14 selects it based on the last purchase order for</p> <p>15 a given item?</p> <p>16 MS. HUGHEY: Objection; compound,</p> <p>17 vague.</p> <p>18 A. Let's see if I can break this up</p> <p>19 and answer it. If I heard you correctly, the</p> <p>20 first question is how can vendor information end</p> <p>21 up on this screen, which is on the user guide</p> <p>22 151. And the first way is it can come from the</p> <p>23 requisition if the user input a vendor number.</p> <p>24 The next way is the system can try and assign</p> <p>25 the vendor. And that is looking at the purchase</p>	<p>76</p> <p>1 requisitions, the vendor information could come</p> <p>2 where the system assigned it based on history</p> <p>3 located within the system; correct?</p> <p>4 A. Correct.</p> <p>5 Q. So other than those three ways that</p> <p>6 we've discussed, are there any other ways that</p> <p>7 the vendor information or are there any other</p> <p>8 ways that that specific vendor field can exist</p> <p>9 in this splitting and consolidation module?</p> <p>10 A. Not that I'm aware of.</p> <p>11 Q. I'm sorry, I have one other</p> <p>12 question that I need to go back and discuss with</p> <p>13 respect to the search results on the</p> <p>14 requisition, which was the document Bates</p> <p>15 labelled L 0126664.</p> <p>16 If a user selects a specific item,</p> <p>17 is there any way that the system will</p> <p>18 automatically convert that selection to a</p> <p>19 different item?</p> <p>20 MS. HUGHEY: Objection; vague.</p> <p>21 A. The answer is no. So if I</p> <p>22 understand your question, you're saying if they</p> <p>23 select drill, 3/8ths drill, will it make it</p> <p>24 something else. And the answer is the way the</p> <p>25 product worked is you either selected the drill</p>

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<p>77</p> <p>1 or not. So that's how it worked.</p> <p>2 Q. So if I can direct your attention</p> <p>3 to the document that's Bates labelled L 0126696.</p> <p>4 And just generally if you can review the next</p> <p>5 six pages, it appears to be some sort of</p> <p>6 printout.</p> <p>7 And do you know what these</p> <p>8 documents are?</p> <p>9 A. No. I mean, do I recognize them?</p> <p>10 Q. Do you recognize the documents, we</p> <p>11 can start with that?</p> <p>12 A. Oh, I'm sorry, yes. These look</p> <p>13 like examples of purchase orders that would have</p> <p>14 been generated from the P.O. Writer Plus system.</p> <p>15 Q. And do you see there is some notes</p> <p>16 on the page that's Bates labelled L 0126696?</p> <p>17 A. Um-hum.</p> <p>18 Q. Can you make out what those notes</p> <p>19 say at the top of the page?</p> <p>20 A. One looks like G+. Paste-ins, page</p> <p>21 24.</p> <p>22 Q. And do you recognize the</p> <p>23 handwriting for --</p> <p>24 A. It looks like Andy Russo's</p> <p>25 handwriting.</p>	<p>79</p> <p>1 Q. So based on the handwriting that we</p> <p>2 had seen and discussed previously with respect</p> <p>3 to this document, as well as the handwriting on</p> <p>4 these specific pages, it's possible that this</p> <p>5 document might be a draft document?</p> <p>6 MS. HUGHEY: Objection; leading,</p> <p>7 vague.</p> <p>8 A. I don't know.</p> <p>9 Q. So is it possible that this</p> <p>10 document may be a draft document?</p> <p>11 A. I don't know if it's a draft</p> <p>12 document or not.</p> <p>13 MR. REDDY: It's about 12:40, it</p> <p>14 might be a good breaking point if we want</p> <p>15 to break for lunch, it's been about two</p> <p>16 hours.</p> <p>17 THE VIDEOGRAPHER: Going off the</p> <p>18 record, end of tape 1 at 12:36.,</p> <p>19 (Luncheon recess: 12:36 p.m.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>78</p> <p>1 Q. Okay. And if I can direct your</p> <p>2 attention to the document that's Bates labelled</p> <p>3 L 0126697.</p> <p>4 A. 697, yes.</p> <p>5 Q. It's the next page.</p> <p>6 A. Um-hum.</p> <p>7 Q. And you see there is some</p> <p>8 additional handwriting on this page?</p> <p>9 A. Um-hum, that looks like Andy's.</p> <p>10 Q. Now, does the handwriting that's on</p> <p>11 these pages, which are located at the documents</p> <p>12 in the Bates range of L 0126696 to L 0126701,</p> <p>13 were these documents with this handwriting, were</p> <p>14 they included in the P.O. Writer manual?</p> <p>15 A. I don't know.</p> <p>16 Q. And does the fact that there is</p> <p>17 this handwriting on these documents suggest that</p> <p>18 this document may be a draft document?</p> <p>19 MS. HUGHEY: Objection; vague,</p> <p>20 leading.</p> <p>21 A. I don't know why they would be</p> <p>22 included in here. And the reason I say that is</p> <p>23 the guided tour ended with the accounts payable</p> <p>24 interface module. And so I don't know why these</p> <p>25 are included in here. They don't seem to fit.</p>	<p>80</p> <p>1 AFTERNOON SESSION</p> <p>2 1:21 p.m.</p> <p>3 THE VIDEOGRAPHER: Back on the</p> <p>4 record, 1:21, this is the beginning of tape</p> <p>5 2.</p> <p>6 (McEneny Exhibit 3 for</p> <p>7 identification, note report dated February</p> <p>8 1, 2006, production numbers ePLUS 219477</p> <p>9 through ePLUS 219483.)</p> <p>10 LAURENE McENENY,</p> <p>11 resumed, having been previously duly sworn, was</p> <p>12 examined and testified further as follows:</p> <p>13 CONTINUED EXAMINATION</p> <p>14 BY MR. REDDY:</p> <p>15 Q. Ms. McEneny, I've handed to the</p> <p>16 reporter a document that's Bates labelled ePLUS</p> <p>17 219477 to 219483. It's stated note report,</p> <p>18 dated February 1, 2006.</p> <p>19 Could you take a minutes to</p> <p>20 familiarize yourself with that document.</p> <p>21 Do you recognize this collection of</p> <p>22 documents?</p> <p>23 A. Yes.</p> <p>24 Q. And what do you recognize it as?</p> <p>25 A. The first page would be notes from</p>

<p>81</p> <p>1 our contact management system. The second page</p> <p>2 would be our, a copy of our license agreement,</p> <p>3 our being the P.O. Writer Plus license</p> <p>4 agreement. Behind that is the American Tech</p> <p>5 client support program, which was on the back of</p> <p>6 the license agreement. A letter to one of our</p> <p>7 customers at the time, Steve Cruz at Household</p> <p>8 Credit. And some more notes from the contact</p> <p>9 management system.</p> <p>10 Q. If I could direct your attention to</p> <p>11 the second page of the document, which is Bates</p> <p>12 labelled ePLUS 219478. I believe you testified</p> <p>13 that this is the P.O. Writer Plus license</p> <p>14 agreement; is that correct?</p> <p>15 A. This is a copy of the agreement at</p> <p>16 this point in time, yes.</p> <p>17 Q. Is this a standard license</p> <p>18 agreement that American Tech would have used</p> <p>19 with its customers for the P.O. Writer Plus</p> <p>20 program in this time frame?</p> <p>21 A. Yes.</p> <p>22 Q. Now, if I could direct your</p> <p>23 attention to point number 4, the headline says</p> <p>24 "reproduction."</p> <p>25 A. Um-hum.</p>	<p>83</p> <p>1 A. What do you mean how would they set</p> <p>2 it up?</p> <p>3 Q. So did the user or the purchaser of</p> <p>4 a P.O. Writer Plus product, did they need to</p> <p>5 have a password in order to unlock the product</p> <p>6 when they initially put it on to their system?</p> <p>7 A. Yes. The product at this point in</p> <p>8 time was being sold on diskette. So typically</p> <p>9 people would take a trial, they would fill out a</p> <p>10 trial agreement. We would send them the actual</p> <p>11 software and the users manuals for whatever they</p> <p>12 wanted to look at. They could look at one</p> <p>13 module or they could look at all the modules.</p> <p>14 And then it was supposed to be a 30</p> <p>15 day trial, it rarely was 30 days, it typically</p> <p>16 ran longer. And if they decided to buy, then we</p> <p>17 would send them a password, it was a sheet of</p> <p>18 instructions that basically would open up the</p> <p>19 system for them to take advantage of the full</p> <p>20 functionality as far as, you know, some file</p> <p>21 limits that were on the product. Then we</p> <p>22 expected them to return the rest of the product</p> <p>23 that they weren't purchasing.</p> <p>24 Q. What happened if a user did not</p> <p>25 first have a trial version of the product?</p>
<p>82</p> <p>1 Q. And it states "client acknowledges</p> <p>2 the proprietary nature of P.O. Writer Plus and</p> <p>3 agrees not to make copies of P.O. Writer Plus</p> <p>4 software or users manual. Client is aware that</p> <p>5 American Tech, Inc. will vigorously prosecute</p> <p>6 anyone who makes unauthorized copies of its</p> <p>7 software and users manual, and client will be</p> <p>8 responsible for all loss of profits and costs of</p> <p>9 prosecution in the event of such duplication."</p> <p>10 Did I read that correctly?</p> <p>11 A. Yes.</p> <p>12 Q. Now, does that statement accurately</p> <p>13 reflect the policy of American Tech with respect</p> <p>14 to the P.O. Writer Plus product version 10?</p> <p>15 A. It's what's in our license</p> <p>16 agreement, so I would say yes.</p> <p>17 Q. So would this be the standard</p> <p>18 language that was used whenever American Tech</p> <p>19 licensed the P.O. Writer Plus product?</p> <p>20 A. This was our standard agreement.</p> <p>21 Q. Thank you. You can put that one</p> <p>22 aside.</p> <p>23 Now, when a customer purchased the</p> <p>24 P.O. Writer Plus product, how would they set it</p> <p>25 up?</p>	<p>84</p> <p>1 A. That was pretty rare. But it could</p> <p>2 happen, they could just buy the product. As</p> <p>3 soon as they paid and signed a license</p> <p>4 agreement, our policy was then to issue the</p> <p>5 password.</p> <p>6 Q. So a user needed to have the</p> <p>7 password in order to unlock the features of the</p> <p>8 P.O. Writer Plus product; is that correct?</p> <p>9 A. No, not to unlock the features. To</p> <p>10 take a limit off the database. The full</p> <p>11 features were there.</p> <p>12 Q. And what limits would be placed on</p> <p>13 the database during the trial period?</p> <p>14 A. I don't recall exactly what limits</p> <p>15 were on each particular module. But generally</p> <p>16 it was how large we would let the master -- the</p> <p>17 database become. It would limit it to certain</p> <p>18 transactions. But I don't remember at that</p> <p>19 point in time exactly what the number was.</p> <p>20 Q. Do you recall any other limitations</p> <p>21 that would be placed on the product during the</p> <p>22 trial period?</p> <p>23 A. No.</p> <p>24 Q. If the user did not have the</p> <p>25 password at the conclusion of their trial</p>

<p>85</p> <p>1 period, how would P.O. -- how would American 2 Tech recover their product? 3 A. Well, we didn't always recover 4 them. Sometimes people would hang on to them 5 and we would contact them repeatedly and ask 6 them to ship it back. I would say, you know, 7 majority of the time that was not an issue. But 8 really the only protection we had is on the 9 limitation of the database size. 10 Q. So those users that kept their 11 trial versions, they're unauthorized users of 12 the product; is that correct? 13 A. They wouldn't get very far. I 14 mean, you can only put so much information in 15 the database, so it wouldn't really be very 16 useful to them. 17 Q. When you say they wouldn't get very 18 far, what do you mean by that? 19 A. Well, they wouldn't be able to put 20 a lot of transactions in the database. 21 Q. Now, with respect to the trial 22 users, did the trial users also have to agree to 23 the prohibition on reproduction that we just 24 discussed that was in the standard license 25 agreement?</p>	<p>87</p> <p>1 Q. But sitting here today do you have 2 any reason to believe that American Tech shipped 3 trial versions of the P.O. Writer Plus software 4 and did not include a prohibition against 5 reproduction of either the software or the 6 manual? 7 A. I'm not sure what the trial 8 agreement said. I would expect us to try and 9 protect ourselves, that's our practice. 10 MR. REDDY: I'm handing you a 11 document which is going to be marked as 12 Exhibit No. 4. It's a two-page document 13 Bates labelled ePLUS 219491 to 219492. 14 (McEneny Exhibit 4 for 15 identification, note report, dated February 16 1, 2006, production numbers ePLUS 219491 17 through ePLUS 219492.) 18 Q. Do you recognize this document? 19 A. I do. 20 Q. And what do you recognize it to be? 21 A. The first page are notes from our 22 contact management system. And the second page 23 is a P.O. Writer Plus license agreement. 24 Q. So the first page of that document, 25 does that reflect that this specific user was</p>
<p>86</p> <p>1 A. I don't remember what the trial 2 agreement specifically said. I'd have to look 3 at that. 4 Q. Is it your understanding that the 5 trial agreement was distinct from the license 6 agreement that we just went through, which was 7 Exhibit No. 3? 8 A. It was, correct. 9 Q. And so you don't recall here today 10 whether or not the trial users were required to 11 or were prohibited, I'm sorry, from reproducing 12 the software? 13 A. I don't recall. I don't know if we 14 gave that as an exhibit or not. But I'd want to 15 look at the trial agreement to answer that 16 question. 17 Q. Do you have any reason to believe 18 that trial users were not prohibited from 19 reproducing the software or the manuals that 20 they were given? 21 A. I think that we would want to 22 protect ourselves, so, you know, I don't want to 23 guess. I'd just say that I would believe that 24 they would be told not to do that. But again, I 25 would simply want to verify that.</p>	<p>88</p> <p>1 shipped a trial version of 10.0? 2 A. Um-hum. 3 Q. Now, the second page, if we look to 4 the license agreement, would this have been the 5 license agreement that was signed in order for 6 the user to obtain trial version of the product? 7 A. No. 8 Q. What is the purpose of this 9 document then? 10 A. This is the license agreement that 11 Bank United of Texas would have signed, in this 12 case it's dated 1/24/94. So what would have 13 happened is either they took a trial and bought 14 the product, or they bought the product, signed 15 the license agreement, and then called us and 16 wanted to look at the newer version. And that 17 was not uncommon. People often, you know, 18 wanted to look at the latest software. 19 So I guess what I'm saying is this 20 October 8, '93, this is when they shipped the 21 trial. Then this is a license agreement. So 22 this doesn't represent a trial agreement. This 23 represents an actual license agreement. 24 Q. Now, with respect to these trial 25 agreements, do you have any reason to believe</p>

<p>89</p> <p>1 that there was not a prohibition against</p> <p>2 duplication of either the software or the</p> <p>3 manuals with respect to the trial version of the</p> <p>4 software?</p> <p>5 MS. HUGHEY: Objection; asked and</p> <p>6 answered.</p> <p>7 A. Yeah, I think I've already answered</p> <p>8 that.</p> <p>9 Q. What was your answer?</p> <p>10 A. My answer is I believe that it was</p> <p>11 most probable that there was some kind of</p> <p>12 wording to protect us on that. But I couldn't</p> <p>13 say for sure unless I had the agreement in front</p> <p>14 of me.</p> <p>15 Q. If I could return for a moment to</p> <p>16 Exhibit No. 2, which was I believe the guided</p> <p>17 tour.</p> <p>18 A. Okay. Got it.</p> <p>19 Q. And the page which we've been</p> <p>20 referring to as L 126664. Which were the</p> <p>21 results from the purchase requisitioning</p> <p>22 section.</p> <p>23 A. Okay.</p> <p>24 Q. So if a user selected an item from</p> <p>25 this list, at this point was there any way that</p>	<p>91</p> <p>1 A. That's correct.</p> <p>2 Q. And those user defined fields could</p> <p>3 not have been searched in the version 10 of the</p> <p>4 P.O. Writer Plus system; correct?</p> <p>5 MS. HUGHEY: Objection;</p> <p>6 mischaracterizes the witness' testimony.</p> <p>7 A. The user defined fields could not</p> <p>8 be searched to do an item look up. And to my</p> <p>9 knowledge, and based on what's in this document,</p> <p>10 they couldn't be searched in this version.</p> <p>11 That's my understanding after looking at this</p> <p>12 document.</p> <p>13 So they were there for reference.</p> <p>14 Q. You can set that document aside.</p> <p>15 (McEneny Exhibit 5 for</p> <p>16 identification, document entitled "Tenth</p> <p>17 Edition," production numbers L 126501</p> <p>18 through L 126513.)</p> <p>19 MR. REDDY: I've handed a document</p> <p>20 to be marked as Exhibit No. 5, which is a</p> <p>21 document Bates labelled L 126501 through</p> <p>22 126513. And at the top it states "tenth</p> <p>23 edition," in parentheses, April 1993.</p> <p>24 Q. If you can take a few moments to</p> <p>25 familiarize yourself with that document.</p>
<p>90</p> <p>1 a user could cross-reference this item with</p> <p>2 other items in the P.O. Writer database?</p> <p>3 MS. HUGHEY: Objection; vague.</p> <p>4 Q. You can answer if you understand</p> <p>5 the question.</p> <p>6 A. On this screen, they're looking at</p> <p>7 a list of items that match their search</p> <p>8 criteria. If they were to select the</p> <p>9 combination, the ship forward to look for</p> <p>10 additional information, that's shown on the next</p> <p>11 page, the 665.</p> <p>12 The only way in this version that</p> <p>13 they could cross-reference is if they chose, as</p> <p>14 a customer, to implement the user defined fields</p> <p>15 or to provide additional information in the</p> <p>16 extended description area as to what a</p> <p>17 cross-reference might be. So that would</p> <p>18 strictly be how that particular customer might</p> <p>19 have chosen to implement the product.</p> <p>20 Q. And as we discussed earlier, that</p> <p>21 additional line information, the user defined</p> <p>22 fields within the additional line information,</p> <p>23 was entirely up to the user to enter whatever</p> <p>24 information they wanted to in those fields;</p> <p>25 correct?</p>	<p>92</p> <p>1 And do you recognize the collection</p> <p>2 of approximately twelve pages of documents?</p> <p>3 A. Yes, I recognize these as pages</p> <p>4 from the purchasing manual at that point in</p> <p>5 time.</p> <p>6 Q. Now, when you say that point in</p> <p>7 time, what are you referring to?</p> <p>8 A. Spring of '93.</p> <p>9 Q. And is that referring to version 10</p> <p>10 of the P.O. Writer Plus software?</p> <p>11 A. That's correct. This specifically</p> <p>12 would be relating to the purchasing module.</p> <p>13 Q. Now, if I can direct your attention</p> <p>14 to the third page of the document. It states</p> <p>15 "no part of this work may be reproduced or used</p> <p>16 in any way for or by any means, graphic,</p> <p>17 electronic or mechanical, including</p> <p>18 photocopying, recording, taping or information</p> <p>19 storage and retrieval systems, without express</p> <p>20 permission from American Tech, Inc."</p> <p>21 Did I read that correctly?</p> <p>22 A. Yes.</p> <p>23 Q. Now, was that prohibition against</p> <p>24 copying of the manual placed on every manual</p> <p>25 sent by American Tech with respect to version 10</p>

<p>93</p> <p>1 of the P.O. Writer product?</p> <p>2 A. I don't know if this appeared on</p> <p>3 every manual.</p> <p>4 Q. Do you have any reason to believe</p> <p>5 that that prohibition did not exist on each of</p> <p>6 the manuals that were released?</p> <p>7 A. I couldn't speak to that. All I</p> <p>8 know is it's on this one. I really don't know</p> <p>9 if it's on the others.</p> <p>10 Q. Why was this information contained</p> <p>11 in the manual?</p> <p>12 A. Again, I'm sure, like I said</p> <p>13 earlier, it's kind of our practice to try and</p> <p>14 protect ourselves.</p> <p>15 Q. When you say protect yourselves,</p> <p>16 what do you mean by that?</p> <p>17 A. So people don't copy the software</p> <p>18 and the users manuals.</p> <p>19 Q. So in general did American Tech</p> <p>20 have a practice of trying to prevent people from</p> <p>21 copying the software and the users manuals --</p> <p>22 and the user manuals?</p> <p>23 A. Well, yes, we did. We didn't want</p> <p>24 a company to buy one copy of our product and pay</p> <p>25 for it and get the password, and then copy the</p>	<p>95</p> <p>1 A. That's correct. There are other --</p> <p>2 this represents -- yes, these are the other</p> <p>3 modules that were available.</p> <p>4 Q. Are there any other modules that</p> <p>5 were available, to your knowledge, with respect</p> <p>6 to version 10 of the program that aren't stated</p> <p>7 in this specific paragraph?</p> <p>8 A. You know, I probably want to map</p> <p>9 this to the license agreement at the time.</p> <p>10 Vendor performance is listed in the</p> <p>11 manual and on the license agreement it's called</p> <p>12 supplier performance. It's the same module.</p> <p>13 Accounts payable interface is AP</p> <p>14 interface module.</p> <p>15 Inventory control is the same.</p> <p>16 Requisitioning is purchase</p> <p>17 requisitioning module in the license agreement.</p> <p>18 Ad hoc reporting is the same.</p> <p>19 DD interface utility is there.</p> <p>20 Remote requisitioning is listed in</p> <p>21 the purchasing manual, and not called out</p> <p>22 specifically on the license agreement.</p> <p>23 And remote requisitioning interface</p> <p>24 is listed in the manual and not called out</p> <p>25 specifically on this license agreement that we</p>
<p>94</p> <p>1 software and copy the manuals and, you know,</p> <p>2 send it to other facilities or friends and</p> <p>3 family or whatever. So that's a large concern</p> <p>4 of any software company.</p> <p>5 Q. If I can direct your attention to</p> <p>6 the document in the manual, it's 1-1. I</p> <p>7 actually need to reference the SAP number, which</p> <p>8 is 803288. I believe it's 1-1. And the heading</p> <p>9 is "getting started."</p> <p>10 A. Yes.</p> <p>11 Q. If I can direct your attention to</p> <p>12 the paragraph that begins "the purchasing module</p> <p>13 is the foundation of the P.O. Writer Plus family</p> <p>14 of programs."</p> <p>15 A. Yes.</p> <p>16 Q. Do you see that paragraph?</p> <p>17 A. I do.</p> <p>18 Q. And there are several other modules</p> <p>19 that are located in that paragraph; is that</p> <p>20 correct?</p> <p>21 A. That's correct.</p> <p>22 Q. Are these the other modules that we</p> <p>23 discussed earlier that a customer had the option</p> <p>24 of purchasing after they purchased the</p> <p>25 purchasing module?</p>	<p>96</p> <p>1 had for Bank United.</p> <p>2 Fax/EDI interface, X12 translation.</p> <p>3 And the bar code interface.</p> <p>4 So it looks like these were the</p> <p>5 modules available at that time.</p> <p>6 Q. Now, I notice that you were looking</p> <p>7 at Fielder Exhibit No. 4, which was the two-page</p> <p>8 document indicating a note report to Bank United</p> <p>9 of Texas; is that correct?</p> <p>10 A. I was actually looking at the</p> <p>11 second page of that, it's the P.O. Writer Plus</p> <p>12 license agreement that lists the modules on the</p> <p>13 top left side.</p> <p>14 Q. And this specific license agreement</p> <p>15 was signed in January of 1994; correct?</p> <p>16 A. This one was, that's correct.</p> <p>17 Q. And was this the standard license</p> <p>18 agreement used by American Tech with respect to</p> <p>19 the P.O. Writer Plus product as of January 1994?</p> <p>20 A. Well, the manual was released in</p> <p>21 '93. This particular license agreement was</p> <p>22 signed in '94. And I don't see a date on this</p> <p>23 license agreement. So the only thing I could</p> <p>24 tell you is that this is what we were using on</p> <p>25 January 24th of '94.</p>

<p>97</p> <p>1 Q. Did American Tech have a practice</p> <p>2 of writing different license agreements for</p> <p>3 different customers?</p> <p>4 A. We had a practice of having a</p> <p>5 general license agreement. But occasionally a</p> <p>6 customer would want to make a modification to</p> <p>7 it. They would get their attorneys involved or.</p> <p>8 So occasionally. It was not -- it was not the</p> <p>9 norm that we would change the license agreement,</p> <p>10 but occasionally we would.</p> <p>11 Q. But the license agreement that's</p> <p>12 depicted in this specific exhibit, is that your</p> <p>13 understanding that this was the standard license</p> <p>14 agreement used by American Tech in January of</p> <p>15 1994?</p> <p>16 A. This looks like the standard used</p> <p>17 in 1994, yeah.</p> <p>18 Q. Okay. Now, returning to Exhibit</p> <p>19 No. 5.</p> <p>20 A. Um-hum.</p> <p>21 Q. And that specific paragraph we were</p> <p>22 talking about. With respect to each of those</p> <p>23 modules. So each of those -- a user wishing to</p> <p>24 use those modules would have to purchase and</p> <p>25 license that module separately; is that correct?</p>	<p>99</p> <p>1 Q. Now, directing you again to page</p> <p>2 2-221 of the document.</p> <p>3 A. Um-hum.</p> <p>4 Q. The heading states "creating POs</p> <p>5 from a catalog."</p> <p>6 A. Correct.</p> <p>7 Q. What is the purpose of this</p> <p>8 section?</p> <p>9 A. Is to train an end user on how to</p> <p>10 use a feature in the product that would allow</p> <p>11 them to search the item master by catalog and</p> <p>12 pick items and create a purchase order.</p> <p>13 Q. So a user, with respect to this</p> <p>14 specific section, would take items from the</p> <p>15 catalog and enter them directly on to a purchase</p> <p>16 order; is that correct?</p> <p>17 A. That was a feature in the product,</p> <p>18 that's correct.</p> <p>19 Q. Now, if I can direct your attention</p> <p>20 to the page that's 2-229. At the top of the</p> <p>21 page is a screenshot.</p> <p>22 And the screenshot depicts I</p> <p>23 believe two items that will be purchased from a</p> <p>24 specific vendor; is that correct?</p> <p>25 A. That's correct.</p>
<p>98</p> <p>1 A. That's correct.</p> <p>2 Q. You can set that document aside.</p> <p>3 (McEneny Exhibit 6 for</p> <p>4 identification, document, production</p> <p>5 numbers L 126718 through L 126964.)</p> <p>6 Q. You've been handed a document which</p> <p>7 is marked as Exhibit No. 6. It's a document</p> <p>8 Bates labelled L 126718 to L 126964. And I'm</p> <p>9 not going to ask you to go through it page by</p> <p>10 page. But if you can maybe peruse it and look</p> <p>11 up at me after you've had a chance to do so.</p> <p>12 It's actually only one specific</p> <p>13 section of this document that I'd like to</p> <p>14 discuss with you. If I can direct you to, at</p> <p>15 the manual, it's at 2-221.</p> <p>16 And before you investigate that</p> <p>17 page further, can I just ask generally do you</p> <p>18 recognize this document that's been marked as</p> <p>19 Exhibit No. 6?</p> <p>20 A. Yes, I do.</p> <p>21 Q. And what do you recognize it to be?</p> <p>22 A. As chapter 2 of the purchasing</p> <p>23 module users manual, which was a self-paste</p> <p>24 tutorial, to teach users how to use this</p> <p>25 particular module.</p>	<p>100</p> <p>1 Q. Now, if I can direct your attention</p> <p>2 to the note field, the first sentence states</p> <p>3 "items in the Best Buy catalog can be purchased</p> <p>4 from any vendor."</p> <p>5 Did I read that correctly?</p> <p>6 A. Yes, you did.</p> <p>7 Q. So by purchased from any vendor,</p> <p>8 does that mean that the user can select the</p> <p>9 supplier for that specific item?</p> <p>10 A. Yes, that's correct.</p> <p>11 Q. Now, with respect to the second</p> <p>12 sentence, it states "also, the catalog</p> <p>13 designation does not determine the vendor for</p> <p>14 the purchase order."</p> <p>15 Did I read that correctly?</p> <p>16 A. Yes, you did.</p> <p>17 Q. Now, the catalog designation that</p> <p>18 that's referring to, is that the same thing as</p> <p>19 the catalog ID from the item master that we</p> <p>20 discussed previously?</p> <p>21 A. Yes.</p> <p>22 Q. Now, when the statement says that</p> <p>23 the catalog designation does not determine the</p> <p>24 vendor for the purchase order, is that because</p> <p>25 the user is the person who ultimately decides</p>

<p>101</p> <p>1 who the vendor will be for that item?</p> <p>2 A. That's because the system would</p> <p>3 allow the user to determine that.</p> <p>4 Q. So my question was, the statement</p> <p>5 says that the catalog designation does not</p> <p>6 determine the vendor for the purchase order. Is</p> <p>7 the reason for that because the user who</p> <p>8 ultimately decides who the vendor will be can</p> <p>9 select whom the vendor will be?</p> <p>10 A. The reason is because we also allow</p> <p>11 the user to determine that. So I could have two</p> <p>12 items in a catalog called Staples, and I could</p> <p>13 use Staples to select the item. And then I</p> <p>14 could continue on and place the order with</p> <p>15 Staples if I wanted. But I also was not limited</p> <p>16 by the software.</p> <p>17 And that's the point I think we're</p> <p>18 trying to make here, you could, you being the</p> <p>19 buyer, because that's who would use this module,</p> <p>20 you could check -- change the vendor to, in this</p> <p>21 example, Best Buy.</p> <p>22 So the way the software worked is</p> <p>23 you had the ability as an end user to specify</p> <p>24 any supplier that you wanted.</p> <p>25 Q. But the catalog information, the</p>	<p>103</p> <p>1 Q. In either respect, using either the</p> <p>2 user defined fields or the extended description</p> <p>3 field, that does not draw from the vendor master</p> <p>4 file; correct?</p> <p>5 A. That's correct.</p> <p>6 Q. Now, if I can direct your attention</p> <p>7 to the third paragraph here. It states "the</p> <p>8 vendor field contains the last vendor that the</p> <p>9 first item on this PO (in this case A2000) was</p> <p>10 purchased from. The last PO created for A2000</p> <p>11 was from vendor number 12345-Best Buy Supply.</p> <p>12 If the last PO for A2000 was for vendor number</p> <p>13 NACP-1, (North American Packaging) NACP-1 would</p> <p>14 be displayed in the vendor field."</p> <p>15 Did I read that correctly?</p> <p>16 A. Yes, you did.</p> <p>17 Q. So does that paragraph indicate</p> <p>18 that the vendor for this specific purchase order</p> <p>19 is determined solely from the last vendor for</p> <p>20 that specific item?</p> <p>21 A. In this example, yes.</p> <p>22 Q. And the only other way that the</p> <p>23 vendor could be changed is if the user manually</p> <p>24 selected a different vendor; is that correct?</p> <p>25 A. That's correct.</p>
<p>102</p> <p>1 catalog ID field that was from the item master,</p> <p>2 that catalog ID was not associated with any</p> <p>3 specific vendor in the system; correct?</p> <p>4 MS. HUGHEY: Objection; vague.</p> <p>5 A. That's right. The catalog ID and</p> <p>6 the item master is really a way to group items</p> <p>7 together, to make it easy for a user to select</p> <p>8 those items.</p> <p>9 Q. And the user is the one that sets</p> <p>10 and determines what the catalog will be;</p> <p>11 correct?</p> <p>12 A. A user could be a requisitioner,</p> <p>13 part of that community, or a user could be a</p> <p>14 buyer. And they both can use the same catalog</p> <p>15 ID. So again, that's only one catalog ID in the</p> <p>16 item master file.</p> <p>17 Q. So there was no way to associate</p> <p>18 the catalog ID with the vendor master file;</p> <p>19 correct?</p> <p>20 MS. HUGHEY: Objection; vague.</p> <p>21 A. The only way that you could</p> <p>22 associate it was through use of the user defined</p> <p>23 fields or through providing additional</p> <p>24 information in the extended description field,</p> <p>25 which would be a reference.</p>	<p>104</p> <p>1 Q. And then if I can direct your</p> <p>2 attention two pages further. It's page 2-231 in</p> <p>3 the manual. And the heading states "major</p> <p>4 points to remember."</p> <p>5 And when you decide in this manual,</p> <p>6 what was the purpose of the major points to</p> <p>7 remember highlight?</p> <p>8 A. Just to summarize some of the key</p> <p>9 concepts for the user. Things that they would</p> <p>10 have learned in that chapter.</p> <p>11 Q. Now, if I can direct your attention</p> <p>12 to the second to last point to remember, it</p> <p>13 states "the catalog designation does not</p> <p>14 determine the vendor for the purchase order.</p> <p>15 The default vendor is determined by the previous</p> <p>16 purchase for the first item on the purchase</p> <p>17 order."</p> <p>18 A. For this tutorial lesson, that is a</p> <p>19 key major point to remember.</p> <p>20 Q. You can put that document aside as</p> <p>21 well.</p> <p>22 MR. REDDY: If we can maybe take</p> <p>23 just a quick two minute break I think I may</p> <p>24 be done.</p> <p>25 MR. SAHNER: We can take a</p>

<p>105</p> <p>1 five-minute break.</p> <p>2 THE VIDEOGRAPHER: Going off the</p> <p>3 record at 2 o'clock.</p> <p>4 (A recess was taken.)</p> <p>5 THE VIDEOGRAPHER: Back on the</p> <p>6 record, 2:15.,</p> <p>7 BY MR. REDDY:</p> <p>8 Q. Ms. McEneny, I notice that you</p> <p>9 brought your testimony from the SAP trial with</p> <p>10 you here today; is that correct?</p> <p>11 A. Correct.</p> <p>12 Q. And you've occasionally been</p> <p>13 consulting it at different times throughout the</p> <p>14 course of the deposition today?</p> <p>15 A. Correct.</p> <p>16 Q. Just one item I would like to</p> <p>17 specifically bring to your attention. If you</p> <p>18 can review your testimony at page 2179.</p> <p>19 A. Which day was that, first or second</p> <p>20 day?</p> <p>21 Q. I believe it's the second day.</p> <p>22 A. Oh, that's the ePlus number?</p> <p>23 Q. No, the number of the actual</p> <p>24 transcript.</p> <p>25 A. Oh, I see.</p>	<p>107</p> <p>1 you were using the catalog field, you could</p> <p>2 either put a catalog ID in or you could leave it</p> <p>3 blank. So when I answer yes, that you can do a</p> <p>4 search on a catalog or leave it blank, let's</p> <p>5 see, I understand that if you ran a search</p> <p>6 catalog is at 1 or all. So when I say 1, it's</p> <p>7 specifically 1 a user would want to enter, or</p> <p>8 all would be the absence of entry, in which case</p> <p>9 it would be everything that's in the item</p> <p>10 master. So that would be items that have</p> <p>11 various catalogs or blank.</p> <p>12 Q. So those were the only two options,</p> <p>13 a person either left it blank, at which point</p> <p>14 they searched all the catalogs, or they entered</p> <p>15 into a specific catalog ID; is that correct?</p> <p>16 A. Correct. For that particular</p> <p>17 search session. You could circle back and</p> <p>18 research it and continue to add items if you</p> <p>19 wanted. But for that particular search session</p> <p>20 it was leave it blank or put something in.</p> <p>21 MR. REDDY: I don't have of any</p> <p>22 further questions at this time, I may have</p> <p>23 some additional questions based on</p> <p>24 Ms. Hughey's questioning.</p> <p>25 I'm sorry, there is one further</p>
<p>106</p> <p>1 MS. HUGHEY: What page are you on?</p> <p>2 MR. REDDY: 2179 of the transcript.</p> <p>3 A. Okay.</p> <p>4 Q. Actually specifically at page 2180,</p> <p>5 beginning at line -- I'm sorry, beginning at</p> <p>6 line 3, the question was:</p> <p>7 "Question: If you ran a search</p> <p>8 catalog, it was one or all; right?"</p> <p>9 The answer was:</p> <p>10 "Answer: That's correct, yes."</p> <p>11 A. I'm sorry, where are we in this</p> <p>12 process?</p> <p>13 Is this within the context of</p> <p>14 requisitioning or purchasing?</p> <p>15 Q. Perhaps I can speed this up. I</p> <p>16 just want to ask, when you testified that a user</p> <p>17 of the P.O. Writer Plus system could only search</p> <p>18 either one catalog or all of the catalogs in the</p> <p>19 system, was that a truthful statement?</p> <p>20 MS. HUGHEY: Objection;</p> <p>21 mischaracterizes the witness' testimony,</p> <p>22 foundation.</p> <p>23 A. When you're searching in the</p> <p>24 system, whether you're in the requisitioning</p> <p>25 module or you're in the purchasing module, if</p>	<p>108</p> <p>1 question I need to ask. I'm sorry, I was</p> <p>2 getting a little ahead of myself.</p> <p>3 Q. You testified in the SAP trial;</p> <p>4 correct?</p> <p>5 A. Correct.</p> <p>6 Q. You were hired as a paid consultant</p> <p>7 on behalf of SAP; is that correct?</p> <p>8 A. Yes. Right. I was a fact witness.</p> <p>9 Q. And were you compensated for the</p> <p>10 time you spent working on that case?</p> <p>11 A. Everything up to the trial. I</p> <p>12 wasn't compensated for the trial time.</p> <p>13 Q. And do you recall roughly how much</p> <p>14 you were compensated by SAP for the work that</p> <p>15 you did in that case?</p> <p>16 A. No.</p> <p>17 Q. Would it be more than \$10,000?</p> <p>18 A. I actually don't recall. It</p> <p>19 wasn't, it didn't seem like a lot of money.</p> <p>20 Q. When you say it didn't seem like a</p> <p>21 lot of money, can you --</p> <p>22 A. I don't remember, so I'm not going</p> <p>23 to speculate.</p> <p>24 Q. Was your husband, Mr. Tim McEneny,</p> <p>25 was he also a paid consultant of SAP during that</p>

<p>109</p> <p>1 trial?</p> <p>2 A. No.</p> <p>3 MR. REDDY: In that case I don't</p> <p>4 have any further questions at this time. I</p> <p>5 may have some additional questions based on</p> <p>6 Ms. Hughey's questioning.</p> <p>7 EXAMINATION BY</p> <p>8 MS. HUGHEY:</p> <p>9 Q. Hello, Ms. McEnery, I'm going to be</p> <p>10 asking you some questions. You understand that</p> <p>11 I represent Lawson.</p> <p>12 A. Yes.</p> <p>13 (Lawson Exhibit 95 for</p> <p>14 identification, document, production</p> <p>15 numbers ePLUS 0219927 through ePLUS</p> <p>16 0219937.)</p> <p>17 Q. I'm going to hand you what's been</p> <p>18 marked as Exhibit 95.</p> <p>19 Do you recognize this document?</p> <p>20 A. I do.</p> <p>21 Q. What is this document?</p> <p>22 A. This is a brochure that we used to</p> <p>23 sell our client support program.</p> <p>24 Q. Can you turn to page ePlus 0219928</p> <p>25 of the document that's been marked Lawson</p>	<p>111</p> <p>1 So that was our decision to just improve the</p> <p>2 value of this program, because it was pretty</p> <p>3 much a major revenue stream for the company.</p> <p>4 (Lawson Exhibit 96 for</p> <p>5 identification, document, production</p> <p>6 numbers ePLUS 0219612 through ePLUS</p> <p>7 0219619.)</p> <p>8 Q. I'm going to hand you what's been</p> <p>9 previously marked as Lawson Exhibit 96. And</p> <p>10 this is numbered ePLUS 0219612 to 619.</p> <p>11 Do you recognize this document?</p> <p>12 A. Yes.</p> <p>13 Q. What is this document?</p> <p>14 A. This was a direct mail piece that</p> <p>15 we had printed and we would send to prospects</p> <p>16 and customers.</p> <p>17 Q. Can you turn to page ePLUS 0219616.</p> <p>18 The third page of this document.</p> <p>19 What is this document showing?</p> <p>20 A. This is the insert that would be in</p> <p>21 this particular brochure. And it is listing the</p> <p>22 modules, the prices that they're being sold at,</p> <p>23 and a special discount offer that we had at that</p> <p>24 time.</p> <p>25 Q. And so is it consistent to say that</p>
<p>110</p> <p>1 Exhibit 95, which for the record has a range</p> <p>2 ePLUS 0219927 to 0219937. So this is the second</p> <p>3 page of the document.</p> <p>4 Do you see where it says "new</p> <p>5 releases automatically."</p> <p>6 A. Yes.</p> <p>7 Q. Is this consistent with your</p> <p>8 testimony that you did about one major release a</p> <p>9 year?</p> <p>10 A. Yes.</p> <p>11 Q. So would it be fair to say that</p> <p>12 version 9.0 would have been released sometime in</p> <p>13 the spring or summer of 1992?</p> <p>14 A. Yes.</p> <p>15 Q. And version 10 would have been</p> <p>16 released sometime in the spring or summer of</p> <p>17 1993?</p> <p>18 A. Correct.</p> <p>19 Q. Why do you have a regular release</p> <p>20 date?</p> <p>21 A. One of the -- one of the reasons --</p> <p>22 well, let's put it this way, a big part of our</p> <p>23 revenue would come from support revenue. And so</p> <p>24 in addition to just supporting customers, we</p> <p>25 also included major releases as a major feature.</p>	<p>112</p> <p>1 purchasing, receiving, vendor performance,</p> <p>2 inventory control, AP interface, report writer,</p> <p>3 data interface utility, EDI interface, remote</p> <p>4 requisitioning and bar code interface were on</p> <p>5 sale as of December 31, 1989?</p> <p>6 A. Yes.</p> <p>7 Q. You can put that aside.</p> <p>8 (Lawson Exhibit 97 for</p> <p>9 identification, document, production</p> <p>10 numbers ePLUS 0219493 through ePLUS</p> <p>11 0219494.)</p> <p>12 Q. I'm handing you what's been marked</p> <p>13 Lawson Exhibit 97, which has the Bates range</p> <p>14 ePLUS 0219493 to 94. And this is Exhibit 1 in</p> <p>15 that binder I handed you.</p> <p>16 Do you recognize this document?</p> <p>17 A. I do.</p> <p>18 Q. What is this document?</p> <p>19 A. The first page is -- are notes from</p> <p>20 our contact management system. And the second</p> <p>21 page is a P.O. Writer Plus license agreement for</p> <p>22 a law firm in Chicago, Kirkland & Ellis.</p> <p>23 Q. Is this document consistent with</p> <p>24 your testimony that Lawson version 10 -- I'm</p> <p>25 sorry, strike that.</p>

<p>113</p> <p>1 Is this consistent with your</p> <p>2 testimony that P.O. Writer version 10 was on</p> <p>3 sale as of at least June 9, 1993?</p> <p>4 MR. REDDY: Objection;</p> <p>5 mischaracterizes testimony.</p> <p>6 MS. HUGHEY: Let me rephrase.</p> <p>7 Q. Does this document reflect when</p> <p>8 P.O. Writer version 10.0 was on sale?</p> <p>9 MR. REDDY: Objection; leading.</p> <p>10 MS. HUGHEY: Let me rephrase.</p> <p>11 Q. Does this document reflect when</p> <p>12 P.O. Writer version 10 was on sale or not?</p> <p>13 A. Yes, it does.</p> <p>14 Q. And when was P.O. Writer version 10</p> <p>15 on sale?</p> <p>16 A. We started shipping in the spring.</p> <p>17 I can -- you want me to just explain what this</p> <p>18 is?</p> <p>19 Q. Yes.</p> <p>20 A. On the first page, on the bottom is</p> <p>21 a note from January 7th of '93. And it's simply</p> <p>22 stating that we shipped purchased versions, as</p> <p>23 opposed to shipped trial version, that would be</p> <p>24 the definition in how we would keep the notes.</p> <p>25 And that's a version 9 multiuser version for</p>	<p>115</p> <p>1 Q. And was version 10 sold before</p> <p>2 August 10, 1993?</p> <p>3 A. Yes.</p> <p>4 Q. Was version 10 used by customers</p> <p>5 before August 10, 1993?</p> <p>6 A. I would say yes, it was. I think</p> <p>7 there is some other exhibits perhaps that maybe</p> <p>8 where there were support questions. I think</p> <p>9 you'd want to refer to the testimony. So I'll</p> <p>10 just say that I would look and see if there is</p> <p>11 support notes.</p> <p>12 Q. Did you demonstrate the version 10</p> <p>13 product before August 10, 1993?</p> <p>14 A. Absolutely.</p> <p>15 Q. Were version 10 manuals shipped to</p> <p>16 customers before August 10, 1993?</p> <p>17 A. Yes.</p> <p>18 Q. Was that the document that you</p> <p>19 would provide to any customer who would buy</p> <p>20 version 10, the manual?</p> <p>21 A. Yes.</p> <p>22 Q. How long was the P.O. Writer</p> <p>23 manual?</p> <p>24 MR. REDDY: Objection; vague as to</p> <p>25 which manual.</p>
<p>114</p> <p>1 between five and seven users. PM indicates it's</p> <p>2 a purchasing multiuser version, and then behind</p> <p>3 that's the serial number.</p> <p>4 So they are purchasing and</p> <p>5 receiving a fax interface. Then a note was</p> <p>6 entered on February 8th, we received a fax copy</p> <p>7 and a check. So they bought the software.</p> <p>8 And then above that, the top note</p> <p>9 then indicates on June 9, '93, we shipped them,</p> <p>10 it says CSP rollout version. What that stands</p> <p>11 for is client support program rollout version.</p> <p>12 So that would mean that they were entitled to</p> <p>13 software and this was the software we shipped</p> <p>14 them. So they may have decided they, you know,</p> <p>15 wanted their upgrade then. But that's what that</p> <p>16 would indicate to me.</p> <p>17 Q. So did you ship Kirkland & Ellis</p> <p>18 version 10.0 software on June 9, 1993?</p> <p>19 A. That's what this indicates.</p> <p>20 Q. And when was version 10 released?</p> <p>21 A. I don't know the exact date. But</p> <p>22 it was in the spring of '93.</p> <p>23 Q. Was version 10 released before</p> <p>24 August 10, 1993?</p> <p>25 A. Yes, it was.</p>	<p>116</p> <p>1 Q. My understanding is that in the</p> <p>2 spring of 1993 you released version 10.0. Is</p> <p>3 that accurate or not?</p> <p>4 A. Yes.</p> <p>5 Q. Did a manual -- did you have a</p> <p>6 manual that went along with that version 10.0</p> <p>7 product?</p> <p>8 A. The way the manuals were structured</p> <p>9 is the major modules had a manual. And there</p> <p>10 would be a module -- a manual for each module</p> <p>11 that would have been available at that point in</p> <p>12 time.</p> <p>13 Q. Approximately how many volumes were</p> <p>14 there?</p> <p>15 A. Volumes? Well, there would be one</p> <p>16 for each major module. So there would be</p> <p>17 purchasing manual, receiving manual, inventory</p> <p>18 control manual. Because again, the way we sold</p> <p>19 the product is you didn't have to buy the whole</p> <p>20 suite, you bought -- you tried what you wanted</p> <p>21 to use, if you bought it, you kept the manual,</p> <p>22 kept the software. So it was packaged that way.</p> <p>23 But there were prerequisites, you'd</p> <p>24 have to have a purchasing module to make</p> <p>25 everything else work. So everybody had at least</p>

<p>117</p> <p>1 the purchasing manual.</p> <p>2 Q. I'm going to go through some of the</p> <p>3 documents for the modules that I think you were</p> <p>4 discussing.</p> <p>5 (Lawson Exhibit 98 for</p> <p>6 identification, document, production</p> <p>7 numbers L 0126147 through L 0126395.)</p> <p>8 Q. I'm going to hand you what's been</p> <p>9 marked as Lawson Exhibit 98. It has Bates range</p> <p>10 L 0126147 to L 0126395.</p> <p>11 Do you recognize this document?</p> <p>12 A. I recognize inventory control.</p> <p>13 Yes, I do.</p> <p>14 Q. Does this manual accurately reflect</p> <p>15 the product that was sold to customers prior to</p> <p>16 August 10, 1993?</p> <p>17 A. Yes, as version 10, yes.</p> <p>18 Q. And to be clear, I'll be talking</p> <p>19 about version 10 unless I say otherwise. Just</p> <p>20 assume I'm talking about version 10.</p> <p>21 A. Okay.</p> <p>22 Q. Thank you.</p> <p>23 Is this a document that was</p> <p>24 provided to customers before August 10, 1993?</p> <p>25 A. Yes.</p>	<p>119</p> <p>1 Q. You can put that aside.</p> <p>2 Actually, I'm sorry, I have one</p> <p>3 further question on that document, I apologize.</p> <p>4 Can you turn to page L 0126362.</p> <p>5 And that would be marked as 4-53. Do you see</p> <p>6 there is an example on that document?</p> <p>7 A. Um-hum.</p> <p>8 Q. And do you see it says "report</p> <p>9 already exists." And there is a date. It looks</p> <p>10 like March 10, 1993.</p> <p>11 A. I'm sorry, is this recalculate</p> <p>12 reorder points, is that what yours says at the</p> <p>13 top?</p> <p>14 Q. Yes, exactly. At the top it says</p> <p>15 recalculate order points.</p> <p>16 A. Let me see.</p> <p>17 Q. Pretty close to the bottom, so</p> <p>18 three lines above. System message is the</p> <p>19 bottom. F1 is the one above that. And the one</p> <p>20 above that says report already exists, 3/10/93.</p> <p>21 A. Yes.</p> <p>22 Q. Was it common for you to use the</p> <p>23 current date approximately in examples in the</p> <p>24 manual?</p> <p>25 A. Yes, it was. This date would</p>
<p>118</p> <p>1 Q. Can you please turn to page L</p> <p>2 0126155. It's the page that the tenth edition</p> <p>3 starts on. It's pretty early in the document.</p> <p>4 It ends with 155.</p> <p>5 A. Got it. I was right on it.</p> <p>6 Q. Do you see at the top it says tenth</p> <p>7 edition?</p> <p>8 A. Yes.</p> <p>9 Q. Do you see below that it says April</p> <p>10 1993?</p> <p>11 A. Correct.</p> <p>12 Q. And do you see below that it says</p> <p>13 software revision 10.0?</p> <p>14 A. Yes.</p> <p>15 Q. Is that consistent with your</p> <p>16 testimony that version 10.0 was released in the</p> <p>17 spring of 1993?</p> <p>18 A. Yes.</p> <p>19 Q. Do you see at the bottom it has a</p> <p>20 copyright number -- copyright mark, it says</p> <p>21 copyright 1993?</p> <p>22 A. Yes.</p> <p>23 Q. Is that also consistent with your</p> <p>24 testimony that this was available in 1993?</p> <p>25 A. Yes.</p>	<p>120</p> <p>1 indicate to me that when they were preparing the</p> <p>2 manual and capturing the screen, they would have</p> <p>3 run this example on that date.</p> <p>4 Q. Okay. You can put that aside.</p> <p>5 (Lawson Exhibit 99 for</p> <p>6 identification, document, production</p> <p>7 numbers L 0126396 through L 0126402.)</p> <p>8 Q. I'm handing you what's been marked</p> <p>9 Lawson Exhibit 99. It's Bates numbered L</p> <p>10 0126396 to 402.</p> <p>11 Do you recognize this document?</p> <p>12 A. Yes.</p> <p>13 Q. What is this document?</p> <p>14 A. It's from our ad hoc reporting</p> <p>15 module. And version 10.</p> <p>16 Q. Can you turn to page L 0126397.</p> <p>17 That's the second page of the document.</p> <p>18 A. Um-hum.</p> <p>19 Q. And again, do you see where it says</p> <p>20 tenth edition, April 10, 1993, software edition</p> <p>21 10.0?</p> <p>22 A. Yes.</p> <p>23 Q. Is that consistent with your</p> <p>24 testimony that the tenth edition was released in</p> <p>25 the spring or summer of 1993?</p>

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<p>121</p> <p>1 A. Yes.</p> <p>2 Q. When you would release manuals for</p> <p>3 the different modules, would they all be</p> <p>4 released at the same time or would you release</p> <p>5 them at different times?</p> <p>6 A. It was our practice to announce the</p> <p>7 product in the spring and release on a certain</p> <p>8 release date. And the practice was that, you</p> <p>9 know, since people were buying the product at</p> <p>10 the same time, that the modules would all be</p> <p>11 released at the same time.</p> <p>12 Q. So by the time modules were being</p> <p>13 sold, is it safe to say that all of the</p> <p>14 manuals were also available?</p> <p>15 A. Yes.</p> <p>16 Q. I don't have any further questions</p> <p>17 with respect to that document, you can put it</p> <p>18 aside.</p> <p>19 I apologize, I do have a question.</p> <p>20 I'm sorry. Does this accurately represent the</p> <p>21 product that was sold to customers prior to</p> <p>22 August 10, 1993?</p> <p>23 A. Yes.</p> <p>24 Q. Is this a document that was</p> <p>25 provided to customers prior to August 10, 1993?</p>	<p>123</p> <p>1 provided to customers prior to August 10, 1993?</p> <p>2 A. Yes, this would be sent with that</p> <p>3 module.</p> <p>4 Q. Okay, you can put this aside.</p> <p>5 (Lawson Exhibit 101 for</p> <p>6 identification, document, production</p> <p>7 numbers L 0126423 through L 0126481.)</p> <p>8 Q. I'm handing you what's been marked</p> <p>9 Lawson Exhibit 101. It has a Bates range from L</p> <p>10 0126423 to L 0126481.</p> <p>11 Do you recognize this document?</p> <p>12 A. I do. It's our users manual for</p> <p>13 the data interface utility.</p> <p>14 Q. Okay. Can you turn to page L</p> <p>15 0126424, that's the second page. Do you see the</p> <p>16 top where it says tenth edition, April 1993,</p> <p>17 software revision 10.0?</p> <p>18 A. Yes.</p> <p>19 Q. Is that consistent with your</p> <p>20 testimony that version 10.0 was released in the</p> <p>21 spring or summer of 1993?</p> <p>22 A. Yes.</p> <p>23 Q. Does this accurately represent the</p> <p>24 product that was sold to customers prior to</p> <p>25 August 10, 1993?</p>
<p>122</p> <p>1 A. Yes.</p> <p>2 (Lawson Exhibit 100 for</p> <p>3 identification, document, production</p> <p>4 numbers L 0126403 through L 0126422.)</p> <p>5 Q. I'm handing you what's been marked</p> <p>6 Lawson Exhibit 100. Bates range is L 0126403 to</p> <p>7 L 0126422.</p> <p>8 Do you recognize this document?</p> <p>9 A. I do. It's our users manual for</p> <p>10 the bar code interface.</p> <p>11 Q. Okay. Now, I'm going to represent</p> <p>12 to you that I didn't see a date in this</p> <p>13 document. But is it consistent with your</p> <p>14 understanding that this would have also been</p> <p>15 available prior to August 10, 1993 or not?</p> <p>16 MR. REDDY: Objection; leading.</p> <p>17 Q. You can answer.</p> <p>18 A. I can answer, okay.</p> <p>19 Yes, this would be consistent</p> <p>20 because of the version number.</p> <p>21 Q. Does this accurately represent the</p> <p>22 product that was sold to customers prior to</p> <p>23 August 10, 1993?</p> <p>24 A. Yes.</p> <p>25 Q. Is this a document that was</p>	<p>124</p> <p>1 A. Yes, this would.</p> <p>2 Q. Was this a document that was</p> <p>3 provided to customers prior to August 10, 1993?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And quickly, just to</p> <p>6 understand, I think you gave me a little bit of</p> <p>7 information, but could you explain a little</p> <p>8 further, what was data interface utility?</p> <p>9 A. This was a piece of software that</p> <p>10 would allow customers to import information into</p> <p>11 the P.O. Writer Plus database, so they could</p> <p>12 import catalog information, which would be the</p> <p>13 item master. They could import vendor</p> <p>14 information, account codes.</p> <p>15 So one of the primary uses for this</p> <p>16 would be customers that bought our product that</p> <p>17 maybe had data in other systems and they didn't</p> <p>18 want to hand key it in using the interface, they</p> <p>19 would put it in a flat file, or according to our</p> <p>20 format, and then they would run this utility and</p> <p>21 import the data. And they could also use this,</p> <p>22 it wasn't just a one time thing, they could use</p> <p>23 it to keep their records up to date. So that</p> <p>24 was the primary use.</p> <p>25 Q. Okay. Thank you.</p>

<p>125</p> <p>1 (Lawson Exhibit 102 for 2 identification, document, production 3 numbers L 0126482 through L 0126500.) 4 Q. I'm handing you what's been marked 5 Lawson Exhibit 102. Bates range L 0126482 to 6 500. 7 Do you recognize this document? 8 A. I do. 9 Q. What is this document? 10 A. This is the users manual for our 11 EDI interface. 12 Q. And again, do you see on the front 13 of the page that it says version 10.0? 14 A. Yes. 15 Q. Does this accurately represent the 16 product that was sold to customers prior to 17 August 10, 1993? 18 A. Yes. 19 Q. Is this a document that was 20 provided to customers prior to August 10, 1993? 21 A. Yes. 22 Q. You can put that aside. 23 (Lawson Exhibit 103 for 24 identification, document, production 25 numbers L 0126501 through L 0126513.)</p>	<p>127</p> <p>1 identification, Subpoena.) 2 Q. I'm handing you what's been marked 3 Lawson Exhibit 104. It is not a manual. I'm 4 going a little bit out of order because I wanted 5 to preserve the numbering of my documents. 6 Do you recognize that document? 7 A. Yes, I do. 8 Q. What is this document? 9 A. This was the subpoena emailed to me 10 by you to appear here today. 11 Q. Okay, I have no further questions 12 on that document. 13 (Lawson Exhibit 105 for 14 identification, document, production 15 numbers L 0126702 through L 0126717.) 16 Q. I'm handing you what's been marked 17 Lawson Exhibit 105. It's Bates number L 0126702 18 to L 0126717. 19 Do you recognize this document? 20 A. I do. 21 Q. What is this document? 22 A. The users manual for the P.O. 23 Writer Plus fax module. 24 Q. Does this accurately represent the 25 product that was sold to customers prior to</p>
<p>126</p> <p>1 Q. I'm handing you what's been marked 2 Lawson Exhibit 103. The Bates range is L 3 0126501 to L 0126513. 4 Do you recognize this document? 5 A. Yes, I do. 6 Q. What is it? 7 A. It's the section of the purchasing 8 manual for P.O. Writer Plus. 9 Q. Does this accurately represent the 10 product that was sold to customers prior to 11 August 10, 1993? 12 A. Yes. 13 Q. Is this a document that was 14 provided to customers prior to August 10, 1993? 15 A. Yes. 16 Q. And do you see the page L 0126501, 17 it says tenth edition, April 1993, software 18 revision 10.0? 19 A. Yes. 20 Q. Is that consistent with what you've 21 already told me about the other documents we've 22 discussed? 23 A. Yes. 24 Q. Okay. You can put that aside. 25 (Lawson Exhibit 104 for</p>	<p>128</p> <p>1 August 10, 1993? 2 A. Yes. 3 Q. Is this a document that's provided 4 to customers prior to August 10, 1993? 5 A. Yes. 6 Q. Okay, I have no further questions 7 on that document. 8 MR. SAHNER: Can we go off the 9 record for one second. 10 THE VIDEOGRAPHER: Going off the 11 record at 2:44., 12 (Discussion off the record.) 13 THE VIDEOGRAPHER: Back on the 14 record, 2:45., 15 (Lawson Exhibit 106 for 16 identification, document, production 17 numbers L 0127297 through L 0127504.) 18 BY MS. HUGHEY: 19 Q. I'm going to hand you what's been 20 marked Lawson Exhibit 106. It's marked L 21 0127297 to L 0127504. 22 Do you recognize this document? 23 A. Yes, I do. 24 Q. What is this document? 25 A. It's the users manual for the P.O.</p>

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<p>129</p> <p>1 Writer Plus receiving module.</p> <p>2 Q. And do you see where it says tenth</p> <p>3 edition, April 1993, software version 10.0 on</p> <p>4 the first page of this document?</p> <p>5 A. Yes.</p> <p>6 Q. Is that consistent with your</p> <p>7 testimony that version 10.0 was released in the</p> <p>8 spring or summer of 1993?</p> <p>9 A. Yes.</p> <p>10 Q. Does this document accurately</p> <p>11 reflect the product that was sold to customers</p> <p>12 prior to August 10, 1993?</p> <p>13 A. Yes.</p> <p>14 Q. Is this a document that was</p> <p>15 provided to customers prior to August 10, 1993?</p> <p>16 A. Yes.</p> <p>17 Q. You can put that aside.</p> <p>18 (Lawson Exhibit 107 for</p> <p>19 identification, document, production</p> <p>20 numbers L 0126965 through L 0126980.)</p> <p>21 Q. I'm handing you what's been marked</p> <p>22 Lawson Exhibit 107.</p> <p>23 Do you recognize this document?</p> <p>24 A. I do.</p> <p>25 MS. HUGHEY: For the record, this</p>	<p>131</p> <p>1 Q. I'm handing you what's been marked</p> <p>2 Lawson Exhibit 108.</p> <p>3 Do you recognize this document?</p> <p>4 A. Yes.</p> <p>5 Q. What is this document?</p> <p>6 A. It's the security administrator's</p> <p>7 guide for P.O. Writer Plus.</p> <p>8 MS. HUGHEY: For the record, this</p> <p>9 document, if I didn't already state, is L</p> <p>10 0126981 to 998.</p> <p>11 Q. And do you see that this document</p> <p>12 says version 10.0 on the first page?</p> <p>13 A. Yes.</p> <p>14 Q. And do you see the second page says</p> <p>15 tenth edition, April 1993, software revision</p> <p>16 10.0?</p> <p>17 A. Yes.</p> <p>18 Q. Does this accurately represent the</p> <p>19 product that was sold to customers prior to</p> <p>20 August 10, 1993?</p> <p>21 A. Yes.</p> <p>22 Q. Was this a document provided to</p> <p>23 customers prior to August 10, 1993?</p> <p>24 A. Yes.</p> <p>25 (Lawson Exhibit 109 for</p>
<p>130</p> <p>1 document is L 0126965 to 980.</p> <p>2 Q. What is this document?</p> <p>3 A. This is the requisition interface</p> <p>4 users guide.</p> <p>5 Q. Did American Tech have a</p> <p>6 requisitioning interface in version 10?</p> <p>7 A. Yes, we did.</p> <p>8 Q. Can you turn to page L 0126962.</p> <p>9 Hold on. I'm sorry.</p> <p>10 Turn to page L 0126969. Do you see</p> <p>11 there is an example on that page?</p> <p>12 A. Yes.</p> <p>13 Q. Do you see that it's dated June 1,</p> <p>14 1993?</p> <p>15 A. Yes.</p> <p>16 Q. Does this accurately represent the</p> <p>17 product that was sold to customers prior to</p> <p>18 August 10, 1993?</p> <p>19 A. Yes.</p> <p>20 Q. Is this a document that was</p> <p>21 provided to customers prior to August 10, 1993?</p> <p>22 A. Yes.</p> <p>23 (Lawson Exhibit 108 for</p> <p>24 identification, document, production</p> <p>25 numbers L 0126981 through L 0126998.)</p>	<p>132</p> <p>1 identification, document, production</p> <p>2 numbers L 0127000 through L 0127019.)</p> <p>3 Q. I'm handing you what was marked</p> <p>4 Lawson Exhibit 109. It's L 0127000 to 019.</p> <p>5 Do you recognize this document?</p> <p>6 A. Yes, it's the stock requisitioning</p> <p>7 and kitting and system and admin users guide for</p> <p>8 P.O. Writer Plus.</p> <p>9 Q. And this is version 10.0?</p> <p>10 A. Correct.</p> <p>11 Q. Does this accurately represent the</p> <p>12 product that was sold to customers prior to</p> <p>13 August 10, 1993?</p> <p>14 A. Yes.</p> <p>15 Q. Is this a document that was</p> <p>16 provided to customers prior to August 10, 1993?</p> <p>17 A. Yes.</p> <p>18 Q. You can put that document aside.</p> <p>19 (Lawson Exhibit 110 for</p> <p>20 identification, document, production</p> <p>21 numbers L 0127020 through L 0127102.)</p> <p>22 Q. I'm handing you what's been marked</p> <p>23 Lawson Exhibit 110. Which is Bates ranged L</p> <p>24 0127020 to L 0127102.</p> <p>25 Do you recognize this document?</p>

<p>133</p> <p>1 A. I do. I recognize it as the stock 2 requisitioning and kitting users manual for P.O. 3 Writer Plus. 4 Q. And do you see the second page, or 5 the first page says version 10.0, second page 6 says tenth edition, April 1993, software 7 revision 10.0? 8 A. Yes. 9 Q. Does this accurately represent the 10 product that was sold to customers prior to 11 August 10, 1993? 12 A. Yes. 13 Q. Is this a document that was 14 provided to customer prior to August 10, 1993? 15 A. Yes. 16 Q. You can put that document aside. 17 (Lawson Exhibit 111 for 18 identification, document, production 19 numbers L 0127103 through L 0127137.) 20 Q. I'm handing you what's been marked 21 Lawson Exhibit 111. L 0127103 to 137. 22 MR. REDDY: I'm sorry, what number 23 are we up to? 24 MS. HUGHEY: 111. 25 Q. Do you recognize this document?</p>	<p>135</p> <p>1 ordered. 2 Q. Were they hard bound or were they 3 electronic? 4 A. No, we actually sent these to the 5 customer. We didn't send them the electronic 6 files. We sent them in a binder, three ring 7 binders. 8 Q. If they were bound, you said three 9 ring binder? 10 A. Three ring binders. 11 Q. So do you recognize this document 12 that starts on L 0127109 that says supplier 13 performance, version 10.0? 14 A. Yes. 15 Q. What is this document? 16 A. It's the users guide for the 17 supplier performance module, also called vendor 18 performance. 19 Q. And if you turn to the next page, 20 it says ninth edition, April 1993, software 21 revision 10.0. Why is this different, ninth 22 edition versus the other ones we talked about, 23 do you know? 24 A. I don't know. Other than it may 25 have had to do when the product was originally</p>
<p>134</p> <p>1 A. I do. There are some supplier 2 rating reports in the beginning of this packet. 3 And then there is the supplier performance users 4 manual attached as well. 5 Q. Do those supplier rating reports, 6 were they part of the manual or were those maybe 7 produced as part of a file, do you know? 8 A. They probably were just in the 9 manila folder. 10 Q. These first pages, L 1012703 to 11 108, those were not part of the manual; is that 12 correct? 13 A. They may be included in the manual 14 somewhere, pasted in. But the actual manual 15 would start at L 0127109. 16 Q. Is it your understanding that when 17 these manuals were produced, they were in hard 18 form and they were produced in files so things 19 might have gotten in between them? 20 A. They were stored in manila folders, 21 in a fireproof filing cabinet. And then the way 22 they were actually produced at that period of 23 time is that they were taken to a printer, a 24 local printer called Prestige Printing, and they 25 printed, you know, however many copies we</p>	<p>136</p> <p>1 released. I mean, all the modules weren't 2 available in the very beginning of time, they 3 were developed over time. So that is most 4 probably what it is. 5 Q. Okay. Do you remember if supplier 6 performance was a module that you did not offer 7 at the beginning when you were offering some of 8 the other modules we've discussed? 9 A. The first module was purchasing. 10 And then receiving came after that. So this 11 would have not been one of the first. Because 12 you would have to have purchasing and receiving 13 in order to create a supplier performance 14 report. So it would have not probably been in 15 the first few years. Those other two modules 16 had to be developed first. 17 Q. Again, do you see where it says L 18 0127109, supplier performance version 10.0? 19 A. Yes. 20 Q. And then the next page, tenth 21 edition, April 1993, software revision 10.0? 22 A. Um-hum. 23 Q. Does this accurately represent the 24 product that was sold to customers prior to 25 August 10, 1993?</p>

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<p>137</p> <p>1 A. Yes, it would.</p> <p>2 Q. Is this a document that was</p> <p>3 provided to customers prior to August 10, 1993?</p> <p>4 A. Yes.</p> <p>5 (Lawson Exhibit 112 for</p> <p>6 identification, document, production</p> <p>7 numbers L 0127138 through L 0127227.)</p> <p>8 Q. I'm handing you what's been marked</p> <p>9 Lawson Exhibit 112, L 0127138 to L 0127227.</p> <p>10 Do you recognize this document?</p> <p>11 A. Yes, I do.</p> <p>12 Q. What is this document?</p> <p>13 A. It's the system administrator's</p> <p>14 guide for P.O. Writer Plus.</p> <p>15 Q. Do you see the first page says</p> <p>16 version 10.0?</p> <p>17 A. Yes.</p> <p>18 Q. Does this accurately represent the</p> <p>19 product that was sold to customers prior to</p> <p>20 August 10, 1993?</p> <p>21 A. Yes.</p> <p>22 Q. This is a document that was</p> <p>23 provided to customers prior to August 10, 1993?</p> <p>24 A. Yes.</p> <p>25 Q. You can put this document aside.</p>	<p>139</p> <p>1 requisitioning system administrator's guide for</p> <p>2 P.O. Writer Plus version 10.</p> <p>3 Q. Do you see the first page says</p> <p>4 version 10.0?</p> <p>5 A. Yes.</p> <p>6 Q. Does this accurately represent the</p> <p>7 product that was sold to customers prior to</p> <p>8 August 10, 1993?</p> <p>9 A. Yes, it does.</p> <p>10 Q. Is this a document that was</p> <p>11 provided to customers prior to August 10, 1993?</p> <p>12 A. Yes.</p> <p>13 (Lawson Exhibit 115 for</p> <p>14 identification, document, production</p> <p>15 numbers L 0127505 through L 0127601.)</p> <p>16 Q. I'm handing you what's been marked</p> <p>17 Lawson Exhibit 115. L 0127505 to 601.</p> <p>18 Do you recognize this document?</p> <p>19 A. This, the beginning, I recognize</p> <p>20 the first page as writing from a person I know</p> <p>21 very well, Linda Swenarton, who is our client</p> <p>22 support manager. So this appears to be her</p> <p>23 office copy of P.O. Writer Plus version 10</p> <p>24 requisitioning module. And there are a couple</p> <p>25 of sample pages. And then on 508 it's the</p>
<p>138</p> <p>1 (Lawson Exhibit 113 for</p> <p>2 identification, document, production</p> <p>3 numbers L 0127228 through L 0127255.)</p> <p>4 Q. I'm handing you what's been marked</p> <p>5 Lawson Exhibit 113. L 0127228 to L 0127255.</p> <p>6 Do you recognize this document?</p> <p>7 A. I do. It's the version upgrade kit</p> <p>8 instructions for P.O. Writer Plus version 10.</p> <p>9 Q. Does this accurately represent the</p> <p>10 product that was sold to customers prior to</p> <p>11 August 10, 1993?</p> <p>12 A. Yes, it does. This is the software</p> <p>13 that they would need to upgrade their database</p> <p>14 to this particular version.</p> <p>15 Q. Is this a document that was</p> <p>16 provided to customers prior to August 10, 1993?</p> <p>17 A. Yes.</p> <p>18 Q. You can set the document aside.</p> <p>19 (Lawson Exhibit 114 for</p> <p>20 identification, document, production</p> <p>21 numbers L 0127256 through L 0127296.)</p> <p>22 Q. I'm handing you what's been marked</p> <p>23 Lawson Exhibit 114. L 0127256.</p> <p>24 Do you recognize this document?</p> <p>25 A. I do. It's the purchasing</p>	<p>140</p> <p>1 beginning of the requisitioning manual.</p> <p>2 Q. So is it your understanding this</p> <p>3 was the manual for version 10.0?</p> <p>4 A. Yes.</p> <p>5 Q. Does this manual starting at L</p> <p>6 0127508 accurately represent the product that</p> <p>7 was sold to customers prior to August 10, 1993?</p> <p>8 A. Yes.</p> <p>9 Q. Is this a document that was</p> <p>10 provided to customers prior to August 10, 1993?</p> <p>11 A. Yes.</p> <p>12 Q. I'm going to ask you to turn to two</p> <p>13 of the documents that have already been admitted</p> <p>14 in this case. Defendant's Exhibit 2, I believe</p> <p>15 it's the guided tour document.</p> <p>16 MR. ROBERTSON: When you say</p> <p>17 Defendant's Exhibit 2?</p> <p>18 MS. HUGHEY: I'm sorry, let me</p> <p>19 rephrase.</p> <p>20 Q. This is ePlus's Exhibit 2. So I</p> <p>21 understand this is the guided tour?</p> <p>22 A. Yes. It says McEneny 2, that's it?</p> <p>23 Q. Yes. Do you see where it says</p> <p>24 version 10.0?</p> <p>25 A. Um-hum.</p>

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<p>141</p> <p>1 Q. Is it your understanding that this</p> <p>2 was the manual for the version 10.0 product?</p> <p>3 A. Yes. This is the guided tour for</p> <p>4 the 10.0 product.</p> <p>5 Q. Does this accurately represent the</p> <p>6 product that was sold to customers prior to</p> <p>7 August 10, 1993?</p> <p>8 A. Yes.</p> <p>9 Q. Is this a document that was</p> <p>10 provided to customers prior to August 10, 1993?</p> <p>11 A. Yes.</p> <p>12 Q. And then I'd also like you to turn</p> <p>13 to McEneny Exhibit 6. I think it begins at the</p> <p>14 top "purchasing tutorial."</p> <p>15 A. Yes.</p> <p>16 Q. And I think we spoke already</p> <p>17 that -- one second.</p> <p>18 MS. HUGHEY: Could we take a</p> <p>19 two-minute break so I can arrange myself?</p> <p>20 MR. REDDY: Sure.</p> <p>21 THE VIDEOGRAPHER: Going off the</p> <p>22 record at 3:03.,</p> <p>23 (A recess was taken.)</p> <p>24 THE VIDEOGRAPHER: Back on the</p> <p>25 record, 3:12, this is the beginning of tape</p>	<p>143</p> <p>1 actual manual, not the Bates number.</p> <p>2 MS. HUGHEY: Yes, I can do that.</p> <p>3 It's like third to last page.</p> <p>4 THE WITNESS: I think it's 2-242.</p> <p>5 MS. HUGHEY: That's right.</p> <p>6 Q. Do you see there is an example on</p> <p>7 that page?</p> <p>8 A. Um-hum.</p> <p>9 Q. Do you see the example is dated</p> <p>10 March 18, 1993? It's right at the top.</p> <p>11 A. Yes.</p> <p>12 Q. Does this accurately represent the</p> <p>13 product that was sold to customers prior to</p> <p>14 August 10, 1993?</p> <p>15 A. Yes.</p> <p>16 Q. Is this a document that was</p> <p>17 provided to customers prior to August 10, 1993?</p> <p>18 A. Yes.</p> <p>19 Q. The next exhibit I'd like you to</p> <p>20 look at is McEneny Exhibit 2.</p> <p>21 MR. ROBERTSON: I think you asked</p> <p>22 these questions already with Exhibit 2 and</p> <p>23 Exhibit 6?</p> <p>24 MS. HUGHEY: I don't believe I did.</p> <p>25 I didn't check them.</p>
<p>142</p> <p>1 3.</p> <p>2 BY MS. HUGHEY:</p> <p>3 Q. Ms. McEneny, can you please take a</p> <p>4 look at McEneny Exhibit 6, please. And I</p> <p>5 believe we previously talked about this</p> <p>6 document.</p> <p>7 A. Yes.</p> <p>8 Q. Did P.O. Writer have a purchasing</p> <p>9 module in 1993?</p> <p>10 A. Yes.</p> <p>11 Q. Can you take a look at page L</p> <p>12 0126962. And I suppose before you do that I</p> <p>13 should ask, what is this document again?</p> <p>14 A. This is the tutorial for the</p> <p>15 purchasing module of P.O. Writer Plus. And you</p> <p>16 want 6962?</p> <p>17 Q. That's right, 6962.</p> <p>18 MR. REDDY: I'm sorry, just for my</p> <p>19 benefit, do you mind telling me what page</p> <p>20 in the manual that is?</p> <p>21 MS. HUGHEY: Page 4-242.</p> <p>22 Although -- I'm sorry, I'm at the wrong</p> <p>23 page myself. 962 are the last three</p> <p>24 digits.</p> <p>25 MR. REDDY: I'm sorry, of the</p>	<p>144</p> <p>1 MR. ROBERTSON: Remember we had the</p> <p>2 confusion about whether it was Defendant's</p> <p>3 Exhibit 2 or McEneny Exhibit 2?</p> <p>4 MS. HUGHEY: I started on it before</p> <p>5 the break but I never got to it.</p> <p>6 Q. What is this document?</p> <p>7 A. It's the guided tour for P.O.</p> <p>8 Writer Plus version 10.</p> <p>9 Q. And do you see the first page says</p> <p>10 version 10.0? The very first page, the one you</p> <p>11 just flipped.</p> <p>12 A. Yes.</p> <p>13 Q. Does this accurately represent the</p> <p>14 product that was sold to customers prior to</p> <p>15 August 10, 1993?</p> <p>16 A. Yes.</p> <p>17 Q. Is this a document that was</p> <p>18 provided to customers prior to August 10, 1993?</p> <p>19 A. Yes.</p> <p>20 Q. Is it accurate to say that the</p> <p>21 version 10 P.O. Writer manual was a set of</p> <p>22 volumes or not?</p> <p>23 MR. REDDY: Objection; leading.</p> <p>24 Q. You can answer.</p> <p>25 A. A set of volumes?</p>

<p>145</p> <p>1 Q. Yes.</p> <p>2 A. Together the manuals made up the</p> <p>3 volumes. I guess library, whatever you would</p> <p>4 call it. Teaching people how to operate the</p> <p>5 product.</p> <p>6 Q. Do you consider the different</p> <p>7 volumes to be a single publication or not?</p> <p>8 MR. REDDY: Objection.</p> <p>9 A. Yes.</p> <p>10 MR. REDDY: Calls for a legal</p> <p>11 conclusion.</p> <p>12 A. We do consider these to be a single</p> <p>13 publication. You wouldn't ship a version 10</p> <p>14 purchasing manual with a version 11</p> <p>15 requisitioning. They were, you know, version 10</p> <p>16 worked together, it was released and tested so</p> <p>17 that it operated together. So they definitely</p> <p>18 went out as a single version set for whatever</p> <p>19 modules the customer bought.</p> <p>20 Q. Okay. Was the version 10 P.O.</p> <p>21 Writer manual shipped to customers prior to</p> <p>22 August 10, 1993?</p> <p>23 A. Yes.</p> <p>24 Q. Was the P.O. Writer manual publicly</p> <p>25 available and distributed to customers prior to</p>	<p>147</p> <p>1 to prevent them from doing that. But, you know,</p> <p>2 at trade shows for example we would lock them up</p> <p>3 at night. So yes.</p> <p>4 Q. But during the day if somebody came</p> <p>5 by and wanted to look at the manual, is there</p> <p>6 anything that you would do to stop them, would</p> <p>7 you ask them for identification?</p> <p>8 A. We knew who our competitors were.</p> <p>9 If they were standing in our booth trying to</p> <p>10 read our manual we would probably ask them to</p> <p>11 leave.</p> <p>12 Q. If they were a potential customer</p> <p>13 you would probably let them read the manual; is</p> <p>14 that correct?</p> <p>15 A. Oh, absolutely.</p> <p>16 Q. Earlier we spoke about the</p> <p>17 copyright limit on some of the manuals. I</p> <p>18 believe it was -- just grab the ad hoc reporting</p> <p>19 manual as an example, that's Lawson Exhibit 99.</p> <p>20 It's a pretty little one.</p> <p>21 A. There we go.</p> <p>22 Q. And the second page, L 0126397.</p> <p>23 A. Um-hum.</p> <p>24 Q. The third paragraph says "no part</p> <p>25 of this work may be reproduced," and so on,</p>
<p>146</p> <p>1 August 10, 1993?</p> <p>2 A. Yes.</p> <p>3 Q. Did you attend trade shows?</p> <p>4 A. Yes.</p> <p>5 Q. Did you have the manuals at trade</p> <p>6 shows?</p> <p>7 A. We did.</p> <p>8 Q. Did you demonstrate version 10</p> <p>9 prior to August 10, 1993?</p> <p>10 A. Yes.</p> <p>11 Q. When you were at trade shows, did</p> <p>12 you have the version 10 manuals at trade shows</p> <p>13 prior to August 10, 1993?</p> <p>14 A. Yes.</p> <p>15 Q. Is it accurate to say that you</p> <p>16 would sell version 10 to any customer who asked</p> <p>17 to bought it or not -- strike that.</p> <p>18 Is it accurate to say that you</p> <p>19 would sell a version 10 product to any customer</p> <p>20 or not?</p> <p>21 A. Yes.</p> <p>22 Q. Did you do anything to stop your</p> <p>23 competitors from reviewing the version 10</p> <p>24 manuals?</p> <p>25 A. Did we do anything? Well, we tried</p>	<p>148</p> <p>1 we've already discussed this paragraph.</p> <p>2 A. Um-hum.</p> <p>3 Q. Is it fair to say that you did not</p> <p>4 want your competitors to obtain your manuals?</p> <p>5 A. Sure.</p> <p>6 Q. Is it fair to say that if your</p> <p>7 customers had made copies of your manuals for</p> <p>8 their personal use that would not have been a</p> <p>9 problem?</p> <p>10 MR. REDDY: Objection; leading.</p> <p>11 A. If a customer made a copy for their</p> <p>12 own personal use to give to a user that they had</p> <p>13 a license for, that wouldn't have been a problem</p> <p>14 for us. What would have been a problem is if</p> <p>15 they made a copy of the manual and the software</p> <p>16 and gave it to somebody, therefore we wouldn't</p> <p>17 get the revenue for it. That would be a</p> <p>18 problem. Or if they would give it to a</p> <p>19 competitor who would read it and look at our</p> <p>20 ideas, that would be a problem. But generally</p> <p>21 speaking if it's just to support a user who's</p> <p>22 licensed, it wouldn't have been a problem.</p> <p>23 Q. Is it accurate to say that this</p> <p>24 statement placed no limitation on who could be</p> <p>25 shown the manual?</p>

<p>149</p> <p>1 MR. REDDY: Objection; leading.</p> <p>2 MS. HUGHEY: Let me rephrase.</p> <p>3 Q. Is it accurate to say that this</p> <p>4 statement does not limit the number of people</p> <p>5 who would be shown the manual or not?</p> <p>6 A. This paragraph, in my opinion,</p> <p>7 wouldn't limit who could look at the manual.</p> <p>8 Q. Is it accurate to say that this</p> <p>9 statement does not limit the number of people</p> <p>10 who could review the manual or not?</p> <p>11 A. I don't think it does.</p> <p>12 Q. Is it accurate to say that if a</p> <p>13 customer purchased the product you would provide</p> <p>14 them with the manual?</p> <p>15 A. Yes.</p> <p>16 Q. Is it true that once a customer</p> <p>17 purchased the product and received a manual,</p> <p>18 that customer could show the manual to anyone or</p> <p>19 not?</p> <p>20 A. I couldn't control that, so I guess</p> <p>21 it's conceivable.</p> <p>22 Q. Is it accurate to say that you did</p> <p>23 not password protect the manuals?</p> <p>24 A. Correct.</p> <p>25 Q. Is it accurate to say that at trade</p>	<p>151</p> <p>1 version 10 manual would be to order the version</p> <p>2 10 product?</p> <p>3 A. They could order a trial, a \$95</p> <p>4 trial. And get the manual. Or they could order</p> <p>5 the product. Either one.</p> <p>6 (Lawson Exhibit 116 for</p> <p>7 identification, substitute response to</p> <p>8 non-final office action.)</p> <p>9 Q. I'm going to hand you what's been</p> <p>10 marked as Lawson Exhibit 116.</p> <p>11 Can you turn to page 20 of that</p> <p>12 document. Maybe a third of the way down, under</p> <p>13 that chunk paragraph, the last sentence in that</p> <p>14 paragraph says "because the P.O. Writer Plus</p> <p>15 licensees were under an obligation to keep the</p> <p>16 information contained in the P.O. Writer manual</p> <p>17 confidential, the manuals were not publicly</p> <p>18 accessible and cannot qualify as a printed</p> <p>19 publication of prior art."</p> <p>20 Do you agree with the statement</p> <p>21 that the P.O. Writer licensees were under an</p> <p>22 obligation to keep the information contained in</p> <p>23 the P.O. Writer Plus manual confidential?</p> <p>24 MR. REDDY: Objection; calls for a</p> <p>25 legal conclusion. Objection; leading.</p>
<p>150</p> <p>1 shows you publicly displayed the manuals?</p> <p>2 A. Yes.</p> <p>3 Q. Is it accurate to say that people</p> <p>4 at the trade shows could look at the manuals?</p> <p>5 A. Again, we wouldn't want our</p> <p>6 competitors looking at them. But yes, people</p> <p>7 were welcome to come into the booth, see the</p> <p>8 demonstration of the products.</p> <p>9 And we were very proud of the</p> <p>10 manuals primarily because a lot of people</p> <p>11 were -- had a lot of reservation about learning</p> <p>12 the product and whether or not they could manage</p> <p>13 teaching themselves, supporting themselves,</p> <p>14 without a lot of IT support. So we would show</p> <p>15 the manuals and the tutorials as proof to people</p> <p>16 that it isn't that difficult to use. And if you</p> <p>17 just follow through it's very easy to learn. So</p> <p>18 we probably would even offer that to, somebody</p> <p>19 that we thought was a decent prospect. But</p> <p>20 again, we would not be handing them over to</p> <p>21 competitors.</p> <p>22 Q. Is it accurate to say that</p> <p>23 someone -- strike that.</p> <p>24 Is it accurate to say that all</p> <p>25 someone would have to do to obtain a P.O. Writer</p>	<p>152</p> <p>1 MS. HUGHEY: Let me rephrase.</p> <p>2 MR. REDDY: Objection; foundation</p> <p>3 as well.</p> <p>4 Q. Do you agree that the P.O. Writer</p> <p>5 Plus licensees were under an obligation to keep</p> <p>6 the information contained in the P.O. Writer</p> <p>7 Plus manual confidential or not?</p> <p>8 MR. REDDY: Same objections.</p> <p>9 A. You're saying the licensees, people</p> <p>10 that bought our product?</p> <p>11 Q. Yes.</p> <p>12 A. Yes, I would think that they should</p> <p>13 keep it confidential.</p> <p>14 Q. But were they under an obligation</p> <p>15 to keep it confidential?</p> <p>16 MR. REDDY: Same objections.</p> <p>17 A. Were they under an obligation to</p> <p>18 keep it confidential? My expectation if they</p> <p>19 wanted to talk to people where it would result</p> <p>20 in a sale for us, you know, that might have been</p> <p>21 one thing. But to send the manuals around, I</p> <p>22 mean, our license agreement said you're not</p> <p>23 going to distribute this, you're not going to</p> <p>24 share our ideas. So I think they should keep it</p> <p>25 confidential.</p>

<p>153</p> <p>1 Q. Did the customers have to be</p> <p>2 specifically trained to use -- you can put that</p> <p>3 aside.</p> <p>4 Did the customers have to be</p> <p>5 specifically trained to use P.O. Writer?</p> <p>6 A. They were taught how to use P.O.</p> <p>7 Writer by going through the guided tour or going</p> <p>8 through the tutorials that were in the users</p> <p>9 manuals. And also we offered training, and I</p> <p>10 did a lot of the training. I mean, other people</p> <p>11 did it as well. But most of the time people</p> <p>12 used the printed materials that were available</p> <p>13 and taught themselves how to use the product.</p> <p>14 Q. Was P.O. Writer an electronic</p> <p>15 sourcing system?</p> <p>16 MR. REDDY: Objection; calls for a</p> <p>17 legal conclusion. Objection; no</p> <p>18 foundation.</p> <p>19 MS. HUGHEY: Okay, let me rephrase.</p> <p>20 Q. Was P.O. Writer an electronic</p> <p>21 sourcing system or not?</p> <p>22 MR. REDDY: Objection; calls for a</p> <p>23 legal conclusion. Objection; no</p> <p>24 foundation.</p> <p>25 A. We considered it, yes, we</p>	<p>155</p> <p>1 of items stored in electronic format or not?</p> <p>2 MR. REDDY: Same objections.</p> <p>3 A. Yes.</p> <p>4 Q. Is it accurate to say that P.O.</p> <p>5 Writer discloses an electronic database to store</p> <p>6 multiple catalogs?</p> <p>7 MR. REDDY: Objection. Same</p> <p>8 objections.</p> <p>9 A. Yes.</p> <p>10 Q. Is it accurate to say that the</p> <p>11 product information could be maintained within</p> <p>12 the P.O. Writer Plus system as product catalogs</p> <p>13 organized in various ways?</p> <p>14 A. Yes.</p> <p>15 MR. REDDY: Same objections.</p> <p>16 MS. HUGHEY: What are your</p> <p>17 objections?</p> <p>18 MR. REDDY: Calls for a legal</p> <p>19 conclusion, no foundation.</p> <p>20 MS. HUGHEY: I'm asking about the</p> <p>21 product that she sold.</p> <p>22 MR. ROBERTSON: No, you're not.</p> <p>23 Q. Is it accurate to say that the</p> <p>24 product information could be organized by</p> <p>25 vendor?</p>
<p>154</p> <p>1 considered it a sourcing system.</p> <p>2 Q. Did P.O. Writer have an electronic</p> <p>3 database?</p> <p>4 A. Yes.</p> <p>5 MR. REDDY: Objection. I'm sorry,</p> <p>6 I withdraw that objection.</p> <p>7 Q. Is it accurate to say that the P.O.</p> <p>8 Writer was an electronic system for use by a</p> <p>9 prospective buyer?</p> <p>10 MR. REDDY: Objection; calls for a</p> <p>11 legal conclusion. I'm sorry, were you not</p> <p>12 finished yet? Go ahead.</p> <p>13 Q. Is it accurate to say that the P.O.</p> <p>14 Writer product was an electronic system for use</p> <p>15 by a prospective buyer to locate and find buyers</p> <p>16 to purchase from sources, suppliers or vendors</p> <p>17 or not?</p> <p>18 A. Yes.</p> <p>19 MR. REDDY: Objection; calls for a</p> <p>20 legal conclusion.</p> <p>21 A. Do you want my opinion?</p> <p>22 Q. Yes.</p> <p>23 A. My opinion is yes.</p> <p>24 Q. Is it accurate to say that the P.O.</p> <p>25 Writer manual discloses a collection of catalogs</p>	<p>156</p> <p>1 A. Product information could be</p> <p>2 organized by vendor?</p> <p>3 MR. REDDY: Objection. Objection;</p> <p>4 foundation. Objection -- rest with</p> <p>5 foundation.</p> <p>6 MS. HUGHEY: Let me take a step</p> <p>7 back.</p> <p>8 A. If the user -- it depends on</p> <p>9 implementation. If the user used the user</p> <p>10 defined field in the item master and said</p> <p>11 supplier, preferred supplier, alternate</p> <p>12 supplier, then they are to me organizing that</p> <p>13 data by vendor. A lot of this would have to do</p> <p>14 with the customer, the industry and how they</p> <p>15 implemented the product.</p> <p>16 Q. Is it accurate to say that the P.O.</p> <p>17 Writer product, and just to be clear, I'm always</p> <p>18 talking about the P.O. Writer product version 10</p> <p>19 unless I say otherwise.</p> <p>20 Is it accurate to say that the P.O.</p> <p>21 Writer version product 10 product information</p> <p>22 could be maintained by product type?</p> <p>23 MR. REDDY: Objection; vague.</p> <p>24 A. By product type, yes. I would say</p> <p>25 yes. And my thinking is it would be using the</p>

<p>157</p> <p>1 commodity field to indicate a product type.</p> <p>2 Which would be a common implementation. So I</p> <p>3 would say yes with that caveat.</p> <p>4 Q. Is it accurate to say that the</p> <p>5 catalog ID field is used to assign an item to a</p> <p>6 specific catalog?</p> <p>7 A. Yes.</p> <p>8 Q. Is it accurate to say that a</p> <p>9 particular catalog can be selected for searching</p> <p>10 by entering a catalog ID?</p> <p>11 A. Yes.</p> <p>12 MR. REDDY: Objection; foundation.</p> <p>13 Q. Do you understand my question?</p> <p>14 A. I believe I do.</p> <p>15 THE WITNESS: Do I need to go back</p> <p>16 on any of this?</p> <p>17 Q. Is it accurate to say that the P.O.</p> <p>18 Writer system displays all the items in a</p> <p>19 selected catalog that meet the searchable</p> <p>20 criteria?</p> <p>21 A. I'm sorry, can you repeat that?</p> <p>22 Q. Is it accurate to say that the P.O.</p> <p>23 Writer system displays all the items in a</p> <p>24 selected catalog that meet the searchable</p> <p>25 criteria?</p>	<p>159</p> <p>1 Writer version 10 -- let me rephrase.</p> <p>2 Is it accurate to say in the P.O.</p> <p>3 Writer version 10 product that the catalog ID</p> <p>4 field and the item master record is used to</p> <p>5 assign an item to a catalog?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Can you please turn to same</p> <p>8 exhibit, page 224. Do you see the third</p> <p>9 sentence down that starts with "as shown below"?</p> <p>10 This is 2-224.</p> <p>11 A. Hum.</p> <p>12 Q. It says "as shown below, a window</p> <p>13 opens displaying a list of catalog IDs. At this</p> <p>14 time the list consists of only Best Buy."</p> <p>15 Is it accurate to say the P.O.</p> <p>16 Writer system may contain multiple catalog IDs?</p> <p>17 A. Yes.</p> <p>18 Q. Is it accurate to say that a</p> <p>19 particular catalog can be searched for by</p> <p>20 entering a catalog ID? Let me rephrase.</p> <p>21 Is it accurate to say that a</p> <p>22 particular catalog can be selected for searching</p> <p>23 by entering a catalog ID?</p> <p>24 A. Yes.</p> <p>25 Q. Is it accurate to say that the P.O.</p>
<p>158</p> <p>1 MR. REDDY: Objection; calls for a</p> <p>2 legal conclusion.</p> <p>3 A. If you select a catalog ID, on</p> <p>4 either the requisition creation screen or the</p> <p>5 purchase order creation screen, and the system</p> <p>6 will display all items that have that catalog ID</p> <p>7 in the item master file field.</p> <p>8 Q. Can you turn to McEneny Exhibit 6,</p> <p>9 please.</p> <p>10 A. Um-hum.</p> <p>11 Q. Can you please turn to page L</p> <p>12 0126951, which is 2-231.</p> <p>13 Do you see the top line that says</p> <p>14 "the catalog ID field and the item master record</p> <p>15 is used to assign an item to a catalog"?</p> <p>16 A. I'm not on the same page.</p> <p>17 Q. 2-231. This is McEneny Exhibit 6.</p> <p>18 A. Yes, Exhibit 6. What's the?</p> <p>19 Q. 2-231, which is L 0126951.</p> <p>20 A. Okay.</p> <p>21 Q. Do you see the first point that</p> <p>22 says "the catalog ID field and the item master</p> <p>23 record is used to assign an item to a catalog"?</p> <p>24 A. Yes.</p> <p>25 Q. Is it accurate to say that the P.O.</p>	<p>160</p> <p>1 Writer system displays all the items in a</p> <p>2 selected catalog that meet the selected search</p> <p>3 for criteria?</p> <p>4 A. Yes.</p> <p>5 Q. Is it accurate to say that the</p> <p>6 system may contain multiple catalog IDs?</p> <p>7 A. Yes.</p> <p>8 Q. Is it accurate to say that a list</p> <p>9 of available catalogs may be displayed by</p> <p>10 catalog ID?</p> <p>11 A. A list of available catalogs by</p> <p>12 catalog ID?</p> <p>13 Q. Yes.</p> <p>14 A. If you put in a catalog ID you see</p> <p>15 a list of valid items that are in that catalog,</p> <p>16 associated with that catalog ID. But I think I</p> <p>17 heard you say a list of valid catalogs by</p> <p>18 catalog ID. Maybe I misunderstood your</p> <p>19 question.</p> <p>20 Q. Let me rephrase. Let me try and be</p> <p>21 clear.</p> <p>22 Is it accurate to say that a list</p> <p>23 of available catalogs may be displayed by</p> <p>24 catalog ID?</p> <p>25 A. Oh, yes.</p>

<p>161</p> <p>1 Q. Is it accurate to say that the P.O.</p> <p>2 Writer system was capable of maintaining</p> <p>3 multiple catalogs?</p> <p>4 A. Yes.</p> <p>5 Q. Did P.O. Writer include product</p> <p>6 information such as an item number, item</p> <p>7 description, inventory location, price,</p> <p>8 commodity code, unit of measure and vendor</p> <p>9 identification?</p> <p>10 MR. REDDY: Objection; calls for a</p> <p>11 legal conclusion and compound.</p> <p>12 A. The only thing that wasn't in the</p> <p>13 item master that we already discussed is the</p> <p>14 vendor ID, unless a user defined field was</p> <p>15 purposed for that.</p> <p>16 Q. Can you turn to what I believe has</p> <p>17 been marked as -- I'm sorry, we have so many</p> <p>18 manuals here. I'm trying to find the</p> <p>19 requisitioning manual. I think it's been marked</p> <p>20 as 115.</p> <p>21 Can you turn to Lawson's Exhibit</p> <p>22 115. Can you turn to L 0127525. Which is page</p> <p>23 2-7.</p> <p>24 Do you see where it says at the top</p> <p>25 "from this screen there are several ways to</p>	<p>163</p> <p>1 Q. Is it accurate to say that P.O.</p> <p>2 Writer enabled a user to select a particular</p> <p>3 product catalog to search such as by using the</p> <p>4 catalog IDs?</p> <p>5 A. Yes.</p> <p>6 Q. Is it accurate to say that the P.O.</p> <p>7 Writer Plus system allowed a user to select</p> <p>8 product catalogs to search resulting in a search</p> <p>9 of less than the entire data in the database?</p> <p>10 A. Yes.</p> <p>11 MR. REDDY: Objection; calls for a</p> <p>12 legal conclusion. Objection; foundation.</p> <p>13 A. My answer again, the idea of</p> <p>14 picking and then subsorting, my answer would be</p> <p>15 yes.</p> <p>16 Q. Can you explain --</p> <p>17 A. That's exactly what it does.</p> <p>18 Q. Explain to me a little more how it</p> <p>19 does it.</p> <p>20 A. Again, if you select a catalog ID,</p> <p>21 and then a subcriteria, the system will go in</p> <p>22 based on those filters and bring back just those</p> <p>23 items that match that selection criteria. So</p> <p>24 based on my understanding of your question, the</p> <p>25 answer would be yes.</p>
<p>162</p> <p>1 display a catalog"?</p> <p>2 A. Yes.</p> <p>3 Q. Do you see below that it says item</p> <p>4 number, item description, commodity code?</p> <p>5 A. Yes.</p> <p>6 Q. Is it accurate to say that using</p> <p>7 the P.O. Writer version 10 system a user could</p> <p>8 display the catalog by catalog ID or item number</p> <p>9 sequence or item description sequence or</p> <p>10 commodity code sequence?</p> <p>11 A. Correct, it's an or. So if you put</p> <p>12 in a catalog ID, you can then subsort underneath</p> <p>13 that by one of those three items. Or you can</p> <p>14 leave the catalog ID blank and then you could</p> <p>15 pick one of the search criteria.</p> <p>16 Q. Is it accurate to say that in the</p> <p>17 P.O. Writer product, product catalog can be</p> <p>18 organized to contain only products supplied by a</p> <p>19 single vendor?</p> <p>20 A. Yes. Again, it depends on how the</p> <p>21 customer set the system up.</p> <p>22 Q. Is it accurate to say that the P.O.</p> <p>23 Writer system enabled the user to select a</p> <p>24 particular product catalog to search?</p> <p>25 A. Yes.</p>	<p>164</p> <p>1 Q. Is it accurate to say that if a</p> <p>2 user did not know the specific catalog ID to</p> <p>3 select, the user could view a list of available</p> <p>4 catalog IDs?</p> <p>5 A. Yes.</p> <p>6 Q. Is it accurate to say that</p> <p>7 alternatively, user could select all the</p> <p>8 catalogs for searching by leaving the catalog ID</p> <p>9 field blank?</p> <p>10 A. Yes.</p> <p>11 Q. Did P.O. Writer retain product</p> <p>12 information for multiple vendors?</p> <p>13 A. Yes.</p> <p>14 Q. Is it accurate to say that P.O.</p> <p>15 Writer could associate a particular catalog ID</p> <p>16 to multiple vendors?</p> <p>17 MR. REDDY: Objection; calls for a</p> <p>18 legal conclusion.</p> <p>19 A. Particular catalog ID with multiple</p> <p>20 vendors?</p> <p>21 Again, depends on how the system</p> <p>22 was configured.</p> <p>23 Q. Explain to me how a customer might</p> <p>24 associate a particular catalog ID with multiple</p> <p>25 vendors.</p>

<p>165</p> <p>1 A. At the highest, in the item master</p> <p>2 you can put a catalog ID in and it doesn't have</p> <p>3 to be a catalog name or a vendor. It could be a</p> <p>4 group. So I might say furniture, because the</p> <p>5 user can put information in in any way they</p> <p>6 want. So that could be the catalog ID.</p> <p>7 And then they could have any item</p> <p>8 that is in this particular group associated with</p> <p>9 that catalog ID. And, again, configured</p> <p>10 properly, using the user defined fields, they</p> <p>11 could assign a preferred supplier and an</p> <p>12 alternate supplier, which would give the user</p> <p>13 visibility. Again, it doesn't automatically</p> <p>14 pick the supplier but it gives them visibility</p> <p>15 to that information. So it would be completely</p> <p>16 on how the system was configured for the</p> <p>17 customer.</p> <p>18 Q. Is it accurate to say that as items</p> <p>19 are added to the item master record, they can be</p> <p>20 assigned a particular catalog associated with a</p> <p>21 particular vendor?</p> <p>22 MR. REDDY: Objection.</p> <p>23 A. Yes, well, they could do that too.</p> <p>24 Again, it's a configuration issue, how the</p> <p>25 customer implements the product.</p>	<p>167</p> <p>1 Is that accurate?</p> <p>2 A. Yes.</p> <p>3 Q. Did I read that correctly?</p> <p>4 A. Yes.</p> <p>5 Q. Did the inventory control module</p> <p>6 enable tracking of on hand inventory balances?</p> <p>7 A. Yes.</p> <p>8 Q. Is it accurate to say that for a</p> <p>9 selected item a requisition, the P.O. Writer</p> <p>10 system was capable of determining the</p> <p>11 availability of the item in the inventory of the</p> <p>12 customer?</p> <p>13 A. In the inventory of the customer?</p> <p>14 Let me make sure I understand the question. If</p> <p>15 they -- are they looking for the inventory at</p> <p>16 another, like at a Staples, are they looking --</p> <p>17 ask the question again, I'm sorry.</p> <p>18 Q. Why don't you tell me what they</p> <p>19 could do.</p> <p>20 A. That would be better. They could</p> <p>21 maintain inventory in P.O. Writer Plus. They</p> <p>22 could have that item stored in multiple</p> <p>23 locations. Those multiple locations could be</p> <p>24 owned by the company that owns P.O. Writer. Or</p> <p>25 they could have information in the P.O. Writer</p>
<p>166</p> <p>1 Q. Can you explain how that would be</p> <p>2 done?</p> <p>3 A. They might say I only buy office</p> <p>4 supplies from this particular supplier, and</p> <p>5 therefore all my office supply items have a</p> <p>6 catalog ID of Staples, in which case it's</p> <p>7 organized that way.</p> <p>8 Q. Did P.O. Writer create a list of</p> <p>9 items resulting from a search?</p> <p>10 A. Yes.</p> <p>11 Q. Turning to the inventory control</p> <p>12 module. Did the inventory control module enable</p> <p>13 tracking of on hand inventory balances?</p> <p>14 MR. REDDY: Objection; vague.</p> <p>15 A. Well, I don't know. The answer is</p> <p>16 yes. Do you need to reference it?</p> <p>17 Q. Let's turn to McEneny Exhibit 2.</p> <p>18 Which is the guided tour version 10.0.</p> <p>19 A. Um-hum.</p> <p>20 Q. Can you turn to page L 0126633.</p> <p>21 This is page 102.</p> <p>22 A. Yes.</p> <p>23 Q. Do you see the sentence right below</p> <p>24 the image, it says "the inventory control module</p> <p>25 allows you to track on hand inventory balances."</p>	<p>168</p> <p>1 database about inventory that might be stored</p> <p>2 somewhere else, like uniforms, forms, that type</p> <p>3 of thing.</p> <p>4 So there is visibility to an item</p> <p>5 and its location in the P.O. Writer Plus system.</p> <p>6 Q. Can you turn to Lawson Exhibit 116.</p> <p>7 That would be that document entitled, starts in</p> <p>8 the United States Patent and Trademark Office.</p> <p>9 You know what, that's not the</p> <p>10 document I want.</p> <p>11 (Lawson Exhibit 117 for</p> <p>12 identification, appeal brief.)</p> <p>13 Q. I'm handing you what's been marked</p> <p>14 Lawson Exhibit 117. Can you turn to page 82 of</p> <p>15 that document.</p> <p>16 Do you see where it says "the P.O.</p> <p>17 Writer manual fails to disclose or suggest the</p> <p>18 limitation of determining whether a selected</p> <p>19 matching item is available in inventory"? It's</p> <p>20 the first full paragraph, the sentence starts</p> <p>21 "regarding."</p> <p>22 Do you agree that the P.O. Writer</p> <p>23 manual fails to disclose determining whether a</p> <p>24 selected matching item is available in</p> <p>25 inventory?</p>

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<p>169</p> <p>1 MR. REDDY: Objection; foundation.</p> <p>2 Objection; seeks a legal conclusion.</p> <p>3 A. You know, let me just take a look</p> <p>4 at what they -- I think they're using the</p> <p>5 inventory manual. I don't know what this is,</p> <p>6 I've never seen this before. So I presume this</p> <p>7 is -- I don't know what it is. Let me look.</p> <p>8 Did you put the stock</p> <p>9 requisitioning module in here?</p> <p>10 Q. I put them all in.</p> <p>11 A. So they're talking about inventory</p> <p>12 module page 102 and 103.</p> <p>13 Q. Let's divorce the question from</p> <p>14 this document.</p> <p>15 A. Okay.</p> <p>16 Q. I just want to know, if you don't</p> <p>17 know because you don't understand the question</p> <p>18 or you don't know what the words mean, that's</p> <p>19 fine.</p> <p>20 A. I guess what I'm saying is I think</p> <p>21 in this document they're referring to the</p> <p>22 inventory module as a place to look for</p> <p>23 functionality that would be described in the</p> <p>24 stock requisitioning manual.</p> <p>25 Q. Okay.</p>	<p>171</p> <p>1 BY MS. HUGHEY:</p> <p>2 Q. Did the P.O. Writer system contain</p> <p>3 a requisitions module?</p> <p>4 A. Yes, it did.</p> <p>5 Q. Did the requisitions module allow</p> <p>6 users to create requisitions?</p> <p>7 A. Yes.</p> <p>8 Q. Could requisitions be created from</p> <p>9 a catalog?</p> <p>10 A. Yes.</p> <p>11 Q. Did P.O. Writer allow the use of</p> <p>12 the requisitions interface module to convert</p> <p>13 requisitions into one or more purchase orders?</p> <p>14 A. Yes.</p> <p>15 Q. Did P.O. Writer have the capability</p> <p>16 of creating multiple purchase orders from a</p> <p>17 single requisition?</p> <p>18 A. Yes.</p> <p>19 MR. REDDY: Objection; seeks legal</p> <p>20 conclusion.</p> <p>21 Q. Can I have you turn to what's been</p> <p>22 marked Lawson Exhibit 107. It's pretty thin, it</p> <p>23 will start with table of contents.</p> <p>24 If you please turn to the page in</p> <p>25 that document that ends 76.</p>
<p>170</p> <p>1 A. So I mean, the way you would</p> <p>2 look -- if you were creating a requisition, you</p> <p>3 could log in if you owned the stock</p> <p>4 requisitioning module, then you could not only</p> <p>5 create what we call a purchase requisition, but</p> <p>6 you also could have visibility to your on hand</p> <p>7 inventory with the stock requisitioning. So I</p> <p>8 guess that's what I'm doing, is just saying they</p> <p>9 might have been referencing the wrong place,</p> <p>10 because this would be the manual where you would</p> <p>11 do that.</p> <p>12 MR. REDDY: And I'm going to move</p> <p>13 to strike the last two responses as</p> <p>14 nonresponsive, there is no question</p> <p>15 pending.</p> <p>16 MR. ROBERTSON: Is there a</p> <p>17 convenient time to take a short break at</p> <p>18 some point?</p> <p>19 MS. HUGHEY: Now we can take a</p> <p>20 break.</p> <p>21 THE VIDEOGRAPHER: Going off the</p> <p>22 record at 3:48.,</p> <p>23 (A recess was taken.)</p> <p>24 THE VIDEOGRAPHER: Back on the</p> <p>25 record, 3:56.,</p>	<p>172</p> <p>1 Do you see the third paragraph</p> <p>2 down, it says "some requisitions will need to be</p> <p>3 split because there are multiple items that are</p> <p>4 purchased from different vendors"?</p> <p>5 A. Yes.</p> <p>6 Q. Did P.O. Writer have the capability</p> <p>7 of creating multiple purchase orders from a</p> <p>8 single requisition?</p> <p>9 A. Yes.</p> <p>10 Q. Is it accurate to say that</p> <p>11 requisitions included items purchased from</p> <p>12 different vendors that were split into different</p> <p>13 purchase orders by a vendor?</p> <p>14 A. Items that were purchased from</p> <p>15 different vendors? I'm sorry.</p> <p>16 Q. Yes.</p> <p>17 A. Items that could be purchased from</p> <p>18 different vendors?</p> <p>19 Q. Let's say it like that. Let me</p> <p>20 rephrase it.</p> <p>21 A. Okay.</p> <p>22 Q. Could requisitions be used to</p> <p>23 include items purchased from different vendors</p> <p>24 that were split into different purchase orders</p> <p>25 by a vendor?</p>

<p>173</p> <p>1 A. Yes.</p> <p>2 Q. Did P.O. Writer have the capability</p> <p>3 to create purchase orders from user generated</p> <p>4 criteria?</p> <p>5 MR. REDDY: Objection; vague.</p> <p>6 Q. Do you understand my question?</p> <p>7 A. Maybe you should be more specific.</p> <p>8 Q. Why don't you tell me, how did the</p> <p>9 P.O. Writer create purchase orders? Let me</p> <p>10 rephrase.</p> <p>11 How did a customer use P.O. Writer</p> <p>12 to create purchase orders?</p> <p>13 A. Again, two user communities,</p> <p>14 requisitioner would create a REQ with items or</p> <p>15 services they wanted. The buyer then would turn</p> <p>16 that into a purchase order. That was kind of</p> <p>17 one business flow.</p> <p>18 A second business flow was a buyer</p> <p>19 could log into the system and create a purchase</p> <p>20 order, and they could do that using similar</p> <p>21 methods that a requisition order, they could</p> <p>22 select a catalog, they could select an item,</p> <p>23 they could select a commodity group, to sort the</p> <p>24 item master, pick off items and put them on a</p> <p>25 purchase order.</p>	<p>175</p> <p>1 a database search, the P.O. Writer system was</p> <p>2 capable of transferring the relevant product</p> <p>3 information for the selected item from the</p> <p>4 database on to an electronic requisition?</p> <p>5 MR. REDDY: Objection; compound.</p> <p>6 Objection; seeks legal conclusion.</p> <p>7 A. Yes.</p> <p>8 Q. Can you turn to guided tour version</p> <p>9 10.0. This is Lawson Exhibit -- I'm sorry, this</p> <p>10 is McEneny Exhibit 2.</p> <p>11 And I would like you to turn to</p> <p>12 page 47 of that document, L 0126577. Maybe look</p> <p>13 at the next couple of pages as well. Look at 48</p> <p>14 and 49.</p> <p>15 A. This is creating purchase orders?</p> <p>16 I just want to make sure I'm in the right place,</p> <p>17 you're in our user manual number 17, creating</p> <p>18 purchase orders.</p> <p>19 Q. Page 47?</p> <p>20 A. Page 47, but the user manual number</p> <p>21 is 17. I just want to make sure I'm in the</p> <p>22 right place.</p> <p>23 Q. What does this reflect?</p> <p>24 A. This is teaching a user how to</p> <p>25 begin the order creation process in P.O. Writer</p>
<p>174</p> <p>1 Q. Were purchase orders created from</p> <p>2 user generated criteria?</p> <p>3 MR. REDDY: Objection; seeks legal</p> <p>4 conclusion.</p> <p>5 A. So if user generated criteria is,</p> <p>6 I'm the user, I'm setting up my item master file</p> <p>7 for my business the way it makes sense, and then</p> <p>8 I'm selecting data based on that criteria, such</p> <p>9 as catalog IDs that are meaningful to me,</p> <p>10 commodities that are meaningful to me. If</p> <p>11 that's your definition of criteria, then the</p> <p>12 answer is yes, because that's how the product</p> <p>13 worked.</p> <p>14 Q. Is it accurate to say that once the</p> <p>15 requisitions have been processed by the</p> <p>16 requisition interface module, purchase orders</p> <p>17 could be directly generated?</p> <p>18 A. Yes.</p> <p>19 Q. Is it accurate to say that when the</p> <p>20 original requisition was split into multiple</p> <p>21 requisitions, purchase orders could be created</p> <p>22 by utilizing the purchasing module?</p> <p>23 A. Yes.</p> <p>24 Q. Is it accurate to say that upon</p> <p>25 selection of a desired item from the results of</p>	<p>176</p> <p>1 Plus.</p> <p>2 Q. You can put that away for now.</p> <p>3 Is it accurate to say that P.O.</p> <p>4 Writer enabled a purchase order to be created</p> <p>5 from a requisition list?</p> <p>6 A. Yes.</p> <p>7 Q. Is it accurate to say that during</p> <p>8 purchase order generation on the P.O. Writer</p> <p>9 system, the vendor listed on the requisition</p> <p>10 could be automatically converted to a different</p> <p>11 vendor?</p> <p>12 MR. REDDY: Objection; seeks legal</p> <p>13 conclusion, foundation.</p> <p>14 A. Automatically? There was a feature</p> <p>15 in the product that the buyer could use in the</p> <p>16 requisitioning interface that would allow the</p> <p>17 system to try and help them put in a supplier.</p> <p>18 It was described earlier. It's in the</p> <p>19 requisitioning interface module.</p> <p>20 Q. Okay. Are you referring maybe to</p> <p>21 the guided tour version 10.0 document?</p> <p>22 A. Let's see.</p> <p>23 Q. I'll refer you to page 552. This</p> <p>24 is McEneny Exhibit 2 again. Like I said, L</p> <p>25 0126552.</p>

<p>177</p> <p>1 Do you see the example on this</p> <p>2 page?</p> <p>3 A. Um-hum. That's not the page I was</p> <p>4 thinking of. I was thinking of the one that</p> <p>5 ends in 6682. I just want to make sure we're</p> <p>6 communicating.</p> <p>7 Q. Yup. And what does --</p> <p>8 A. This is the screen that a user</p> <p>9 would use, and again, typically a buyer would</p> <p>10 log in, who is managing the requisition Q. And</p> <p>11 this particular screen, what it's showing is</p> <p>12 that there is the ability to have the system --</p> <p>13 let's see, what are we doing here? Let me make</p> <p>14 sure I'm absolutely in the right place.</p> <p>15 You can see on the following page,</p> <p>16 the one that's 6683, where the system is</p> <p>17 automatically doing the vendor assignment after</p> <p>18 the user presses the, I believe that's the F6</p> <p>19 key, it's a little hard to read with this copy.</p> <p>20 So that's, when I answered your question, that's</p> <p>21 what I was specifically referring to.</p> <p>22 Q. Okay. Can you turn back to that</p> <p>23 page 6552.</p> <p>24 A. Um-hum. I'm sorry 65?</p> <p>25 Q. 6552, yes.</p>	<p>179</p> <p>1 that correct?</p> <p>2 A. It identifies the vendor associated</p> <p>3 with that particular transaction for that item.</p> <p>4 Q. Is it accurate to say that this</p> <p>5 shows catalog numbers for items that are</p> <p>6 generally equivalent?</p> <p>7 MR. REDDY: Objection; seeks legal</p> <p>8 conclusion.</p> <p>9 A. No, it doesn't.</p> <p>10 Q. I'm sorry, what does it show again,</p> <p>11 what are the catalog numbers?</p> <p>12 A. In the item master, at the top</p> <p>13 left-hand corner, you'll see the item number.</p> <p>14 And then kind of a third of the way down on the</p> <p>15 right side, it says catalog. If there were a</p> <p>16 catalog ID in the item master for that item,</p> <p>17 then it would show there. In this particular</p> <p>18 example it's left blank, so there was no catalog</p> <p>19 ID for this item number.</p> <p>20 Q. I see.</p> <p>21 But it could be, it could be filled</p> <p>22 in, it didn't always have to be blank?</p> <p>23 A. It could be filled in. But again,</p> <p>24 it was one catalog in the item master file. And</p> <p>25 that's the field it's referring to.</p>
<p>178</p> <p>1 A. Um-hum.</p> <p>2 Q. Is it accurate to say that this</p> <p>3 example shows the vendor identification?</p> <p>4 MR. REDDY: Objection; seeks legal</p> <p>5 conclusion.</p> <p>6 A. Yeah, I'm not really sure I</p> <p>7 understand the question. I can tell you what</p> <p>8 this screen is showing.</p> <p>9 Q. Yes, tell me what this screen</p> <p>10 shows.</p> <p>11 A. This is the, with the P.O. Writer</p> <p>12 Plus purchase history card. And if there was</p> <p>13 history for that item, it would show the order</p> <p>14 number, and that could be a PO number, it could</p> <p>15 show a quote number. Next to that it would show</p> <p>16 the order type. So if it were a new order you</p> <p>17 could see that, if it would be a blank, a</p> <p>18 contract release, a Q would be a request for</p> <p>19 quote.</p> <p>20 And then what it's specifically</p> <p>21 showing is if there is a transaction, it would</p> <p>22 show who the vendor was associated with that</p> <p>23 transaction. That's all it's showing on this</p> <p>24 page.</p> <p>25 Q. So it identifies the vendor; is</p>	<p>180</p> <p>1 Q. Did the P.O. Writer enable a user</p> <p>2 to locate and find items to be purchased?</p> <p>3 A. Yes.</p> <p>4 Q. Did P.O. Writer maintain product</p> <p>5 account logs on a database?</p> <p>6 A. Yes.</p> <p>7 Q. Did P.O. Writer display catalogs?</p> <p>8 A. Yes.</p> <p>9 Q. Once the catalogs were displayed,</p> <p>10 could you select particular catalogs to search?</p> <p>11 MR. REDDY: Objection; no</p> <p>12 foundation.</p> <p>13 A. Once the catalog was displayed?</p> <p>14 Q. Yes.</p> <p>15 A. Then you could select items.</p> <p>16 Q. Did P.O. Writer maintain product</p> <p>17 catalogs on multiple databases?</p> <p>18 A. On multiple databases? It had one</p> <p>19 single database. Well, no, that's not true</p> <p>20 actually.</p> <p>21 If they used our remote</p> <p>22 requisitioning software, they could have</p> <p>23 different catalogs on different stand-alone PCs.</p> <p>24 So, and there was a product called remote</p> <p>25 requisitioning, and then you would use the data</p>

<p>181</p> <p>1 interface to import, and actually there is a</p> <p>2 feature that imports the catalog. So you could</p> <p>3 have catalogs on different stand-alone</p> <p>4 computers, and users at different facilities</p> <p>5 could requisition. And then they could be</p> <p>6 imported into the big P.O. Writer Plus database.</p> <p>7 So my answer would be yes, with</p> <p>8 that explanation.</p> <p>9 Q. Understood.</p> <p>10 A. Again, I just want to make sure</p> <p>11 that there is no misunderstanding, we didn't go</p> <p>12 out to disparate supplier mainframes and check</p> <p>13 their inventory.</p> <p>14 Q. I understand.</p> <p>15 Did P.O. Writer -- let me rephrase.</p> <p>16 Did P.O. Writer maintain various</p> <p>17 types of information about items from those</p> <p>18 catalogs?</p> <p>19 A. Yes.</p> <p>20 Q. Could the product catalogs in P.O.</p> <p>21 Writer be updated with new items?</p> <p>22 A. Yes.</p> <p>23 Q. Could the product catalogs in P.O.</p> <p>24 Writer be updated with price information?</p> <p>25 A. Yes.</p>	<p>183</p> <p>1 results from a catalog search?</p> <p>2 A. Yes.</p> <p>3 Q. Was a selected item placed on a</p> <p>4 requisition by P.O. Writer?</p> <p>5 A. Yes.</p> <p>6 Q. Did P.O. Writer provide the ability</p> <p>7 to build a requisition with selected matching</p> <p>8 items from a catalog search?</p> <p>9 MR. REDDY: Objection; seeks legal</p> <p>10 conclusion.</p> <p>11 A. Yes.</p> <p>12 Q. Can you explain how that was done.</p> <p>13 A. Again, the user can select items in</p> <p>14 a number of ways. They can start with a</p> <p>15 catalog, sub-sort, pick items, go back, scroll</p> <p>16 back in, perhaps leave the catalog ID blank, put</p> <p>17 in a description, get another item, put it on</p> <p>18 the requisition.</p> <p>19 So the user was able, through a</p> <p>20 single sit down session, to create a requisition</p> <p>21 with a single item or multiple items that could</p> <p>22 then become an order, or multiple orders.</p> <p>23 Q. Did P.O. Writer provide the ability</p> <p>24 to generate a purchase order from a requisition?</p> <p>25 A. Yes.</p>
<p>182</p> <p>1 Q. Could P.O. Writer store additional</p> <p>2 text that would allow for a more detailed item</p> <p>3 description?</p> <p>4 A. Yes.</p> <p>5 Q. Is there a limit to the number of</p> <p>6 items that could be associated with a particular</p> <p>7 source?</p> <p>8 MR. REDDY: Objection; seeks legal</p> <p>9 conclusion.</p> <p>10 A. I would again say no. But based on</p> <p>11 the way the customer configured their system,</p> <p>12 it's really up to them on how they organized the</p> <p>13 data.</p> <p>14 Q. So could a customer configure its</p> <p>15 product such that there was no limit on the</p> <p>16 number of items that could be associated with a</p> <p>17 particular source?</p> <p>18 MR. REDDY: Same objections.</p> <p>19 A. Again, same answer. I'd say there</p> <p>20 wasn't a limitation.</p> <p>21 Q. Could a user select a particular</p> <p>22 catalog and search for desired items within the</p> <p>23 catalog?</p> <p>24 A. Yes.</p> <p>25 Q. Could a user view a list of search</p>	<p>184</p> <p>1 Q. Did P.O. Writer provide the ability</p> <p>2 to generate multiple purchase orders to</p> <p>3 different vendors from a single requisition?</p> <p>4 A. Yes.</p> <p>5 Q. Did P.O. Writer provide the ability</p> <p>6 to determine the inventory status of a selected</p> <p>7 item?</p> <p>8 A. Yes.</p> <p>9 Q. Was it possible to populate a</p> <p>10 requisition from items selected from the</p> <p>11 catalog?</p> <p>12 MR. REDDY: Objection.</p> <p>13 A. Yes.</p> <p>14 MR. REDDY: Seeks legal conclusion.</p> <p>15 Q. How is that done?</p> <p>16 A. I'm sorry?</p> <p>17 Q. How is that done?</p> <p>18 A. The question one more time.</p> <p>19 Q. How would a user populate a</p> <p>20 requisition with items selected from a catalog?</p> <p>21 MR. REDDY: Same objection.</p> <p>22 A. The user would select the catalog,</p> <p>23 sub-sort however they want, or get a whole list</p> <p>24 of items that belong to that catalog. And they</p> <p>25 would simply move the cursor next to the item</p>

<p>185</p> <p>1 and indicate a quantity for the item. And that</p> <p>2 was the process then for selecting that item to</p> <p>3 be included on requisition.</p> <p>4 Q. Was it possible to search across</p> <p>5 multiple catalogs?</p> <p>6 A. Yes.</p> <p>7 Q. When you built a requisition from</p> <p>8 items in a catalog, were the items in the</p> <p>9 requisition associated with the source?</p> <p>10 MR. REDDY: Objection; foundation,</p> <p>11 seeks legal conclusion.</p> <p>12 A. Again, the answer would be yes,</p> <p>13 configured properly.</p> <p>14 Q. Could a customer use the catalog ID</p> <p>15 field to represent the suppliers they were</p> <p>16 buying the item from?</p> <p>17 A. They could.</p> <p>18 Q. Did users do that?</p> <p>19 A. Yes.</p> <p>20 Q. Is it accurate to say that if a</p> <p>21 customer took the catalog ID field in the master</p> <p>22 item table into their database, and they chose</p> <p>23 to enter into -- let me rephrase.</p> <p>24 A. I'm taking notes on this one, it's</p> <p>25 a little long.</p>	<p>187</p> <p>1 They could also check through the stock</p> <p>2 requisitioning available inventory in the</p> <p>3 requisition process. They could also, the</p> <p>4 buyers could also view on hand inventory.</p> <p>5 Q. So could a user check the</p> <p>6 availability of on hand inventory?</p> <p>7 A. Yes.</p> <p>8 Q. Could a user check the availability</p> <p>9 of remote inventory?</p> <p>10 MR. REDDY: Objection; seeks legal</p> <p>11 conclusion.</p> <p>12 A. If, when I say yes to remote</p> <p>13 inventory, that assumes that the inventory</p> <p>14 location is remote. I mean, again, an item can</p> <p>15 be stored in many locations. And if one of</p> <p>16 those locations happens to be remote, then the</p> <p>17 answer is yes.</p> <p>18 Q. Could you use P.O. Writer to search</p> <p>19 for select items from multiple product catalogs?</p> <p>20 A. Yes.</p> <p>21 MR. REDDY: Objection; asked and</p> <p>22 answered. I think you asked this question</p> <p>23 six, seven times.</p> <p>24 Q. How is that done?</p> <p>25 A. I'm sorry?</p>
<p>186</p> <p>1 Q. Let me ask a different question.</p> <p>2 Once you built a requisition with</p> <p>3 items from the catalog, was it possible to</p> <p>4 generate purchase orders for the items in the</p> <p>5 requisition?</p> <p>6 A. Yes.</p> <p>7 Q. Could you take a requisition and</p> <p>8 turn it directly into a purchase order?</p> <p>9 A. Yes.</p> <p>10 Q. Could you take a requisition and</p> <p>11 turn it into multiple purchase orders?</p> <p>12 A. Yes.</p> <p>13 Q. Could a user check both local and</p> <p>14 remote inventory?</p> <p>15 MR. REDDY: Objection; foundation,</p> <p>16 calls for a legal conclusion.</p> <p>17 MS. HUGHEY: Let me rephrase.</p> <p>18 Q. Could a user check the availability</p> <p>19 of requisitioned items in inventory?</p> <p>20 MR. REDDY: Objection; seeks legal</p> <p>21 conclusion, foundation.</p> <p>22 A. During the requisitioning process</p> <p>23 if a user had stock requisitioning, they had the</p> <p>24 ability to see where an item was stored, with</p> <p>25 how many locations an item might be stored in.</p>	<p>188</p> <p>1 Q. How would a user use P.O. Writer to</p> <p>2 search for select items from multiple product</p> <p>3 catalogs?</p> <p>4 MR. REDDY: Objection; calls for a</p> <p>5 legal conclusion.</p> <p>6 A. They would enter into the either</p> <p>7 requisitioning module or the, as a buyer could</p> <p>8 go in when they're creating a purchase order,</p> <p>9 leave the catalog ID blank, and put in a search</p> <p>10 criteria, item, description, commodity, in which</p> <p>11 case the system would ignore the catalog ID</p> <p>12 field and go out and search across the database,</p> <p>13 effectively searching across catalogs.</p> <p>14 Q. In the P.O. Writer system, could</p> <p>15 user defined fields be used to associate a</p> <p>16 vendor with an item?</p> <p>17 A. Yes.</p> <p>18 MR. REDDY: Objection.</p> <p>19 Q. Was a user limited to the type of</p> <p>20 item they put on the requisition?</p> <p>21 A. No.</p> <p>22 MR. REDDY: Objection; foundation,</p> <p>23 vague.</p> <p>24 Q. Was a user limited to starting with</p> <p>25 the catalog and only putting those items on a</p>

<p>189</p> <p>1 requisition?</p> <p>2 A. No.</p> <p>3 Q. Was there a limit to the number of</p> <p>4 combinations of items they could put on the</p> <p>5 requisition?</p> <p>6 MR. REDDY: Objection; vague.</p> <p>7 A. No.</p> <p>8 Q. I'm not talking about version 10</p> <p>9 anymore.</p> <p>10 A. Okay.</p> <p>11 Q. I want to understand what you were</p> <p>12 selling in 2002. Did P.O. Writer have a system</p> <p>13 in 2002?</p> <p>14 A. Yes.</p> <p>15 Q. Let me rephrase.</p> <p>16 Did American Tech -- at that point</p> <p>17 were you American Tech anymore?</p> <p>18 A. No, we were Purchasing Net at that</p> <p>19 point. And yes, we were selling procurement</p> <p>20 software.</p> <p>21 Q. Did the procurement software that</p> <p>22 Purchasing Net --</p> <p>23 A. Yes.</p> <p>24 Q. -- was selling in 2002 have the</p> <p>25 same functionality with respect to the version</p>	<p>191</p> <p>1 MR. ROBERTSON: Are we coming to a</p> <p>2 close?</p> <p>3 MS. HUGHEY: This is it.</p> <p>4 (Lawson Exhibit 118 for</p> <p>5 identification, article entitled "Buyers'</p> <p>6 Guide to Software for Purchasing,"</p> <p>7 production numbers ePLUS 0219905 through</p> <p>8 ePLUS 0219910.)</p> <p>9 THE WITNESS: When I say not to</p> <p>10 that I know of, the company was sold at the</p> <p>11 end of last year, so I have no knowledge.</p> <p>12 Q. But prior to last year?</p> <p>13 A. No.</p> <p>14 Q. I've handed you what's been marked</p> <p>15 Lawson Exhibit 118. Marked ePLUS 0219905 to</p> <p>16 910.</p> <p>17 Do you recognize this document?</p> <p>18 A. I do recognize it.</p> <p>19 Q. What is this document?</p> <p>20 A. This is an excerpt from a magazine</p> <p>21 that was published called Purchasing Magazine.</p> <p>22 Q. And do you see on page ePLUS</p> <p>23 0219905, the first page, it says American Tech?</p> <p>24 A. Yes.</p> <p>25 Q. Is that your company?</p>
<p>190</p> <p>1 10 product?</p> <p>2 A. I don't know -- I can't answer that</p> <p>3 specifically. And the reason is we were</p> <p>4 rebuilding the product line, so I would have to</p> <p>5 go back and check and see exactly what was</p> <p>6 available in the product at that moment in time.</p> <p>7 Q. Is it accurate to say that ePlus</p> <p>8 was aware of your product since at least 2006?</p> <p>9 MR. REDDY: Objection; foundation.</p> <p>10 MS. HUGHEY: Let me take a step</p> <p>11 back.</p> <p>12 Q. Are you aware of a company called</p> <p>13 ePlus?</p> <p>14 A. Yes.</p> <p>15 Q. Is it your understanding that ePlus</p> <p>16 was aware of your product -- was aware of P.O.</p> <p>17 Writer since at least 2006 or not?</p> <p>18 MR. REDDY: Objection; foundation.</p> <p>19 A. You know, we knew each other, but I</p> <p>20 can't tell you exactly what year we met.</p> <p>21 Q. Okay. Has P.O. Writer ever been</p> <p>22 accused of infringing any of ePlus's patents?</p> <p>23 A. No. I mean, not that I know of.</p> <p>24 MS. HUGHEY: I have one more</p> <p>25 exhibit.</p>	<p>192</p> <p>1 A. That was the company we owned at</p> <p>2 the time, yes.</p> <p>3 Q. And do you see, if you go to page</p> <p>4 ePLUS 0219908.</p> <p>5 A. Um-hum.</p> <p>6 Q. Do you see right in the middle it</p> <p>7 says Structured Computer Systems?</p> <p>8 A. Yes.</p> <p>9 Q. Were you aware of Structured</p> <p>10 Computer Systems?</p> <p>11 A. Yes.</p> <p>12 Q. What product does Structured</p> <p>13 Computer Systems sell?</p> <p>14 A. Their product was called Reality.</p> <p>15 Q. Do you see just a couple below that</p> <p>16 it says Technical Services Associates?</p> <p>17 A. Yes.</p> <p>18 Q. Were you aware of Technical</p> <p>19 Services Associates?</p> <p>20 A. Yes, we were.</p> <p>21 Q. What product did they sell?</p> <p>22 A. Gateway.</p> <p>23 Q. Do you see ePlus on this document?</p> <p>24 A. In the article?</p> <p>25 Q. Yes.</p>

<p style="text-align: right;">193</p> <p>1 A. No, I don't.</p> <p>2 Q. I just have a couple of questions</p> <p>3 about the P.O. Writer product. We've talked a</p> <p>4 lot about your desire to keep it confidential</p> <p>5 from your competitors. Is that accurate?</p> <p>6 A. Yes.</p> <p>7 Q. Is it fair to say that the reason</p> <p>8 you didn't want your competitors to see the</p> <p>9 manuals or the products is because you did not</p> <p>10 want them taking your product and selling it?</p> <p>11 MR. REDDY: Objection; leading.</p> <p>12 MS. HUGHEY: Let me rephrase.</p> <p>13 Q. Is it fair to say that you did not</p> <p>14 want your customers to see your manuals or have</p> <p>15 access to your software because you didn't want</p> <p>16 them to sell it or not?</p> <p>17 MR. REDDY: Objection; leading.</p> <p>18 A. To sell?</p> <p>19 Q. To sell the product.</p> <p>20 A. To sell our product?</p> <p>21 MR. REDDY: Same objections.</p> <p>22 A. The reason, I mean, I'll answer</p> <p>23 your question by saying the reason you don't</p> <p>24 want your competitors to see your product is you</p> <p>25 don't want them to take your ideas. It's a very</p>	<p style="text-align: right;">195</p> <p>1 confidential information getting to somebody</p> <p>2 that could put it in a product and use it</p> <p>3 against us.</p> <p>4 MS. HUGHEY: I have no further</p> <p>5 questions.</p> <p>6 MR. REDDY: I do have a few</p> <p>7 follow-up items.</p> <p>8 CONTINUED EXAMINATION</p> <p>9 BY MR. REDDY:</p> <p>10 Q. If we can start with the document</p> <p>11 that was given to you as Lawson Exhibit 110, the</p> <p>12 stock requisition -- I'm sorry, Lawson 107, the</p> <p>13 requisition interface module.</p> <p>14 A. Um-hum.</p> <p>15 Q. I would like to start with it's</p> <p>16 page number 4 in the manual, the Bates number is</p> <p>17 L 0126969.</p> <p>18 MS. HUGHEY: I'm sorry, what</p> <p>19 exhibit are we on?</p> <p>20 MR. REDDY: It would be Lawson 107,</p> <p>21 the requisition interface manual.</p> <p>22 MS. HUGHEY: Okay, go ahead.</p> <p>23 Q. Do you see there is a screenshot at</p> <p>24 the top of the page?</p> <p>25 A. Um-hum.</p>
<p style="text-align: right;">194</p> <p>1 competitive market, and every year everybody is</p> <p>2 coming out with new features and functions to</p> <p>3 try and stay, you know, keep customers excited</p> <p>4 and meet, you know, needs and requirements.</p> <p>5 And so, you know, you don't want</p> <p>6 people knowing what you're doing for the very</p> <p>7 reason competitors don't like to share</p> <p>8 information.</p> <p>9 Q. So is it accurate to say that your</p> <p>10 concern wasn't with third parties who weren't</p> <p>11 going to use the information for commercial</p> <p>12 purposes, such as customers?</p> <p>13 MR. REDDY: Objection; vague,</p> <p>14 compound, leading.</p> <p>15 Q. Is it accurate to say that you had</p> <p>16 no concerns with confidentiality when it came to</p> <p>17 customers reviewing the products, as long as</p> <p>18 they weren't showing them to third parties?</p> <p>19 MR. REDDY: Objection; vague,</p> <p>20 compound and leading.</p> <p>21 A. It's fair to say that we wanted our</p> <p>22 customers to know how to use the product. And</p> <p>23 we wanted the users within their company that</p> <p>24 had a license to use the product to know exactly</p> <p>25 how to use it. And that we didn't want our</p>	<p style="text-align: right;">196</p> <p>1 Q. And there are several fields</p> <p>2 displayed in that screenshot; is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. And one of those includes a vendor</p> <p>5 and another one includes a vendor name; is that</p> <p>6 correct?</p> <p>7 MS. HUGHEY: I'm sorry, I'm going</p> <p>8 to stop you for one second. I can't find</p> <p>9 my 107. I'm just going to grab his.</p> <p>10 Can we take a fifteen second break.</p> <p>11 THE VIDEOGRAPHER: Going off the</p> <p>12 record at 4:23.,</p> <p>13 (Discussion off the record.)</p> <p>14 THE VIDEOGRAPHER: Back on the</p> <p>15 record, 4:23.,</p> <p>16 BY MR. REDDY:</p> <p>17 Q. So I think my question was do you</p> <p>18 see that there is two fields there, one says</p> <p>19 vendor and the other one says vendor name?</p> <p>20 MS. HUGHEY: What page are we on?</p> <p>21 MR. REDDY: Page number 4, the</p> <p>22 document labelled L 0126969.</p> <p>23 Q. Do you see those two fields?</p> <p>24 A. Um-hum.</p> <p>25 Q. Now, as we discussed this morning,</p>

<p style="text-align: right;">197</p> <p>1 the only way that that vendor information would</p> <p>2 be in the requisition is if it was either</p> <p>3 manually entered by the user or was taken from</p> <p>4 the history; is that correct?</p> <p>5 A. In this context, that's correct.</p> <p>6 Because in this context this manual is</p> <p>7 describing the conversion of a requisition to a</p> <p>8 purchase order. So this particular feature is</p> <p>9 feature number 2 on the prior screen. So when</p> <p>10 you're using that function, which is a direct</p> <p>11 conversion requisition to P.O., then if a</p> <p>12 supplier is shown here, it's because it's come</p> <p>13 from the requisition itself.</p> <p>14 Q. And the only way the supplier would</p> <p>15 become a requisition would be in one of those</p> <p>16 two ways, correct, and those two ways that I'm</p> <p>17 referring to are that it was either manually</p> <p>18 entered by the user or else it was associated</p> <p>19 with the history that we discussed?</p> <p>20 MS. HUGHEY: Objection; compound,</p> <p>21 leading.</p> <p>22 A. In this case it would be if the</p> <p>23 user suggests a vendor on this particular screen</p> <p>24 in this flow of a manual.</p> <p>25 Q. So with respect to this particular</p>	<p style="text-align: right;">199</p> <p>1 asterisk items."</p> <p>2 Did I read that correctly?</p> <p>3 A. Yes, you did.</p> <p>4 Q. Is that a true statement of the</p> <p>5 functionality of the requisition module in the</p> <p>6 P.O. Writer Plus system?</p> <p>7 A. That is a true statement as it</p> <p>8 relates to this function in the requisition</p> <p>9 interface on page 10 and 11. So it's what I</p> <p>10 explained before. If there is no transaction</p> <p>11 history and there is nothing for the system to</p> <p>12 refer to to come back and suggest a supplier, if</p> <p>13 you're using a function that is asking the</p> <p>14 system to do an automatic supplier assignment</p> <p>15 for you.</p> <p>16 Q. Now, if I can direct your attention</p> <p>17 to the next page, which is L 0126977. I believe</p> <p>18 this page is discussing how vendor information</p> <p>19 is placed on to the requisition. And if I can</p> <p>20 direct your attention to the last paragraph.</p> <p>21 It states "the objective is to</p> <p>22 assign a vendor number, buyer code and ship to</p> <p>23 code for each REQ./line you wish to move to the</p> <p>24 P.O. hold file. This may be done automatically</p> <p>25 but can be overwritten by the user."</p>
<p style="text-align: right;">198</p> <p>1 screen as depicted on L 0126969, the only way</p> <p>2 that vendor item data would be on this screen</p> <p>3 would be if the user manually entered that data;</p> <p>4 is that correct?</p> <p>5 A. In creating the requisition, that's</p> <p>6 correct.</p> <p>7 Q. Now, if I can also direct your</p> <p>8 attention to page number 11 of the document,</p> <p>9 which is Bates labelled L 0126976. And there is</p> <p>10 a screenshot --</p> <p>11 A. I'm sorry, where are you?</p> <p>12 Q. Page 11 of the same document, of</p> <p>13 the manual, which is Bates labelled L 0126976.</p> <p>14 A. Got it.</p> <p>15 Q. And I'm looking at the screenshot</p> <p>16 located at the top of the page.</p> <p>17 A. Um-hum.</p> <p>18 Q. And I'm going to read from it. It</p> <p>19 states "all requisitions are displayed in</p> <p>20 requisition number order. You may enter a</p> <p>21 vendor number for each item displayed or you can</p> <p>22 let the system assign vendor numbers. It will</p> <p>23 use the vendor from the latest purchase order</p> <p>24 for the item. The system will not assign a</p> <p>25 vendor number for items without history or from</p>	<p style="text-align: right;">200</p> <p>1 Did I read that correctly?</p> <p>2 A. Yes, you did.</p> <p>3 Q. So is it true that the vendor</p> <p>4 assignment process takes place during the</p> <p>5 requisitioning stage, or during the purchase</p> <p>6 order stage?</p> <p>7 A. Your question is can -- I'm sorry,</p> <p>8 ask me the question again.</p> <p>9 Q. So I'm referring to this paragraph,</p> <p>10 it states "the objective is to assign a vendor</p> <p>11 number."</p> <p>12 A. Right.</p> <p>13 Q. So is it an accurate statement to</p> <p>14 say that the vendor assignment takes place</p> <p>15 during the requisitioning stage, or else later</p> <p>16 on in the stage, such as in the purchase order</p> <p>17 generation stage as we discussed earlier?</p> <p>18 MS. HUGHEY: Objection; vague.</p> <p>19 A. It can take place in many places.</p> <p>20 The requisitioner can suggest a supplier or not.</p> <p>21 The buyer can use the requisition interface.</p> <p>22 And they can accept the suggested supplier from</p> <p>23 the requisitioner, they can change it, or they</p> <p>24 can use a function key to have the system try</p> <p>25 and assign a supplier based on history.</p>

<p>201</p> <p>1 And -- or, and what this is</p> <p>2 concluding, this lesson concept, the idea is in</p> <p>3 order to move to, in this example, the purchase</p> <p>4 order stage, the system's looking for a vendor,</p> <p>5 a buyer and a ship to code for each line. So in</p> <p>6 this example, these were the lines that were</p> <p>7 left over that hadn't been managed earlier in</p> <p>8 the example. So that's the context of this. So</p> <p>9 the vendor assignment can really happen in many</p> <p>10 places.</p> <p>11 Q. Now, if I can direct your</p> <p>12 attention -- we can put that one aside.</p> <p>13 If I can direct your attention to</p> <p>14 the stock requisitioning and kitting module,</p> <p>15 which was Exhibit L 110.</p> <p>16 Now, when you used the term stock</p> <p>17 requisitioning, what is meant by that?</p> <p>18 A. When a user had the inventory</p> <p>19 control module, the user -- the requisitioner</p> <p>20 might want an item. And the item can be put on</p> <p>21 a purchase requisition, which has been the focus</p> <p>22 of most of the conversation, or using this</p> <p>23 module, if they license the stock requisitioning</p> <p>24 module, they could request an item from stock.</p> <p>25 So the idea is, you know, do I have</p>	<p>203</p> <p>1 Q. Now, I'd also like to direct your</p> <p>2 attention to Lawson Exhibit 115, which is the</p> <p>3 requisition module.</p> <p>4 Now, this specific document, there</p> <p>5 is no date that's specifically associated with</p> <p>6 this document; is that correct?</p> <p>7 MS. HUGHEY: Objection; vague.</p> <p>8 MR. REDDY: I'm sorry, I'll</p> <p>9 rephrase the question.</p> <p>10 Q. There is no reference in this</p> <p>11 document to what version this requisitioning</p> <p>12 module that's described herein is referring to?</p> <p>13 A. Well, the cover is handwritten by</p> <p>14 the woman who's headed up client care and still</p> <p>15 does. This happens I guess to be her office</p> <p>16 copy. And I suppose if we look through the</p> <p>17 whole thing we might find something with a</p> <p>18 version number on its screen or a date or</p> <p>19 whatever.</p> <p>20 But it's my testimony that this</p> <p>21 represents the requisitioning module version 10.</p> <p>22 Q. And is there anything to</p> <p>23 corroborate your testimony today that this --</p> <p>24 that the requisitioning module capabilities</p> <p>25 described in this manual were associated with</p>
<p>202</p> <p>1 it somewhere in an inventory location. So</p> <p>2 instead of asking a buyer to buy it, you want to</p> <p>3 use what you have already instead of buying</p> <p>4 something new.</p> <p>5 Q. And so the stock requisitioning</p> <p>6 feature could only be used if the person also</p> <p>7 had the inventory control module; is that</p> <p>8 correct?</p> <p>9 A. That's correct.</p> <p>10 Q. I don't think I have any further</p> <p>11 questions with respect to that manual.</p> <p>12 Now, with respect to the data</p> <p>13 interface utility, do you recall being asked</p> <p>14 some questions about that specific module?</p> <p>15 A. Today?</p> <p>16 Q. Yes.</p> <p>17 A. Yes.</p> <p>18 Q. Now, the data interface utility, I</p> <p>19 think you testified, in order for a user to</p> <p>20 import data they would have to have the data</p> <p>21 interface utility; is that correct?</p> <p>22 A. To import, yes.</p> <p>23 Q. And that was a separate module from</p> <p>24 the purchasing module; correct?</p> <p>25 A. That's right, um-hum.</p>	<p>204</p> <p>1 version 10?</p> <p>2 A. Well, probably on page L 0127533,</p> <p>3 there is a screen that I just flipped to that</p> <p>4 has a requisition date in the top right-hand</p> <p>5 corner of 6/1/93, which is consistent with a lot</p> <p>6 of the dating.</p> <p>7 The features that were in here</p> <p>8 could probably be mapped back to the client</p> <p>9 support program list where we talk about</p> <p>10 features and functions. And that's really all I</p> <p>11 could think of for you today.</p> <p>12 Q. Now, you testified earlier that the</p> <p>13 screenshots that are located within these</p> <p>14 manuals were taken contemporaneous with the</p> <p>15 manuals being prepared; is that correct?</p> <p>16 MS. HUGHEY: Objection;</p> <p>17 mischaracterizes the witness' testimony.</p> <p>18 Q. Is that a correct statement?</p> <p>19 A. The screenshots, I'll testify that</p> <p>20 the dates on the screens are when people were</p> <p>21 probably capturing the screenshots.</p> <p>22 Q. And so if I can direct your</p> <p>23 attention to the page that's 2-48 in the manual,</p> <p>24 which is L 0127566. This is a screenshot titled</p> <p>25 "archived requisitions by item number for 1/1/93</p>

<p>205</p> <p>1 to 12/31/94."</p> <p>2 A. I'm sorry, this is 7556?</p> <p>3 Q. Or 7566, I'm sorry.</p> <p>4 A. That is correct, that would be a</p> <p>5 from and to range, which would be controlled by</p> <p>6 the user. They would have entered any period of</p> <p>7 time that they wanted. And it was not unusual</p> <p>8 when you're writing a manual to -- for a report</p> <p>9 to have a lower date, maybe a higher date. Just</p> <p>10 so we didn't have to update them every year.</p> <p>11 Q. So is it -- I'm sorry, I didn't</p> <p>12 mean to interrupt you.</p> <p>13 Is it possible that this specific</p> <p>14 document, this requisition module, was written</p> <p>15 sometime after 12/31/1994?</p> <p>16 A. No. No, this is version 10 manual.</p> <p>17 It's most probable that the person that was</p> <p>18 doing the screen just put in a wide date range.</p> <p>19 Which would be perfectly acceptable to the</p> <p>20 computer.</p> <p>21 Q. And as we just discussed, there is</p> <p>22 nothing you can specifically point to to</p> <p>23 corroborate the fact that this is associated</p> <p>24 with the version 10 manual; is that correct?</p> <p>25 A. All I can tell you is looking</p>	<p>207</p> <p>1 Q. And the screenshot says "this will</p> <p>2 replace your current catalog with a brand new</p> <p>3 catalog."</p> <p>4 Did I read that correctly?</p> <p>5 A. This will replace -- I'm sorry.</p> <p>6 Are you on 523?</p> <p>7 Q. Yes.</p> <p>8 A. This function completes --</p> <p>9 Q. I'm referring to the screenshot</p> <p>10 which says "this will replace your current</p> <p>11 catalog with a brand new catalog."</p> <p>12 A. I'm sorry, yes, that's what the</p> <p>13 screen says.</p> <p>14 Q. Now, does that not suggest that</p> <p>15 there can only be one catalog in the P.O. Writer</p> <p>16 database at any given time?</p> <p>17 A. Let me go back and see what the</p> <p>18 context of this is.</p> <p>19 I think that's misleading. If you</p> <p>20 go back to page, the prior page, 522, it shows</p> <p>21 you your different options for creating a</p> <p>22 catalog. So in the utility section you can</p> <p>23 create a brand new catalog, you can merge with a</p> <p>24 current catalog, you can create new extended</p> <p>25 description files, merge with current extended</p>
<p>206</p> <p>1 through this and knowing what we were doing at</p> <p>2 that point in time, that I believe this is the</p> <p>3 version 10 manual.</p> <p>4 Q. Now, if I can direct your attention</p> <p>5 to page 2-4 of the manual, which is Bates</p> <p>6 labelled L 0127522.</p> <p>7 Now, the heading of that page says</p> <p>8 "creating a catalog."</p> <p>9 A. Um-hum.</p> <p>10 Q. The first sentence says "before</p> <p>11 creating a requisition you'll need to create a</p> <p>12 catalog of items."</p> <p>13 Did I read that correctly?</p> <p>14 A. Correct.</p> <p>15 Q. Now, does this page suggest that</p> <p>16 there could only be one catalog of items in the</p> <p>17 P.O. Writer at any given time?</p> <p>18 A. No.</p> <p>19 Q. Well, if I can direct your</p> <p>20 attention to the second page. I'm sorry, the</p> <p>21 next page, which is Bates labelled L 0127523.</p> <p>22 There is a screenshot that says "create new</p> <p>23 catalog."</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>	<p>208</p> <p>1 descriptions, delete requisitions, delete</p> <p>2 archived or requisitions, backup or reorganize.</p> <p>3 So this particular area, depending</p> <p>4 on which function you chose, that might be true.</p> <p>5 But there was -- it was possible to merge</p> <p>6 catalogs with the system. But it's a utility,</p> <p>7 you have to be careful, you don't want to not</p> <p>8 know what you're doing and end up overwriting</p> <p>9 something, which users do.</p> <p>10 Q. But when you merge a catalog, there</p> <p>11 is still only one catalog; correct?</p> <p>12 A. It becomes one item master file.</p> <p>13 And each item can have its own catalog ID. So</p> <p>14 effectively you're bringing in multiple</p> <p>15 catalogs.</p> <p>16 Q. I guess I just don't understand,</p> <p>17 where does this specific page of this document</p> <p>18 say that there can be more than one catalog in</p> <p>19 the system?</p> <p>20 A. Well, I think that page may not say</p> <p>21 that. But I think if you look at other</p> <p>22 functionality, like merge with current catalog,</p> <p>23 that might help people understand.</p> <p>24 Q. So when you merge with one catalog,</p> <p>25 that doesn't mean that there is more than one</p>

<p>209</p> <p>1 catalog; correct? Would you agree with me?</p> <p>2 MS. HUGHEY: Objection; calls for a</p> <p>3 legal conclusion. You're getting</p> <p>4 argumentative.</p> <p>5 A. I want to make sure you understand.</p> <p>6 There is an item master file. And that can also</p> <p>7 be considered your catalog. The item number is</p> <p>8 your key. The catalog ID is a very key field in</p> <p>9 that. And the way the user interfaces with the</p> <p>10 system is when they say I want a catalog ID or I</p> <p>11 want to look at the list of catalogs, it's</p> <p>12 looking in the item master file and searching</p> <p>13 based on that particular field.</p> <p>14 Q. So this catalog, is this the</p> <p>15 catalog that's described in this specific page,</p> <p>16 is that the same catalog as the catalog ID from</p> <p>17 the item master file that we talked about</p> <p>18 previously?</p> <p>19 A. This is probably mixing terms,</p> <p>20 which is probably what's confusing. When this</p> <p>21 word catalog, it should really be item master.</p> <p>22 But the users think of things more as a catalog</p> <p>23 than they do item master. I don't know if that</p> <p>24 helps you or not.</p> <p>25 Q. So looking to the next page,</p>	<p>211</p> <p>1 create a catalog of items"; correct?</p> <p>2 A. That's what it says.</p> <p>3 Q. And with respect to the catalog,</p> <p>4 there is only two options, a user can either</p> <p>5 create a new catalog or merge with a current</p> <p>6 catalog; is that correct?</p> <p>7 A. Those -- these are two methods.</p> <p>8 The things we were talking about earlier today,</p> <p>9 where you go to the item master file, that's</p> <p>10 another method. The data interface utility is</p> <p>11 another method. So there are many methods to</p> <p>12 update that item master file. This is just two</p> <p>13 more.</p> <p>14 Q. Well, with respect to this specific</p> <p>15 document, the only functionality with respect to</p> <p>16 the catalog that's a disclosed here is that you</p> <p>17 can either create a new catalog or merge with a</p> <p>18 current catalog; is that correct?</p> <p>19 A. This is two of many ways to do</p> <p>20 that. And these are two -- the only two that</p> <p>21 are referenced on this page.</p> <p>22 Q. And you're saying that in contrast</p> <p>23 to the item master record, the catalog that's</p> <p>24 described on this page refers to the totality of</p> <p>25 item master records and not the catalog ID</p>
<p>210</p> <p>1 0127523, I'm just asking, when a user tries to</p> <p>2 create a new catalog, why does that replace,</p> <p>3 quote, replace your current catalog with a brand</p> <p>4 new catalog, end quote?</p> <p>5 A. Because they've selected a feature</p> <p>6 called create a new catalog. So this particular</p> <p>7 utility, again, you're in a utilities section of</p> <p>8 the product. This is not something an end user</p> <p>9 is going to be doing, this is something your</p> <p>10 system manager is going to be doing. And maybe</p> <p>11 they just want to start all over. Maybe they,</p> <p>12 you know, want to create something brand new.</p> <p>13 Q. So returning back to the previous</p> <p>14 page, which is L 127522, you'd agree with me</p> <p>15 that the heading says creating a catalog;</p> <p>16 correct?</p> <p>17 MS. HUGHEY: Objection; asked and</p> <p>18 answered. The document speaks for itself.</p> <p>19 A. The page says creating a catalog,</p> <p>20 correct.</p> <p>21 Q. And there are, this is a screenshot</p> <p>22 which indicates utilities; correct?</p> <p>23 A. That's correct.</p> <p>24 Q. And the first sentence states</p> <p>25 "before creating a requisition, you'll need to</p>	<p>212</p> <p>1 that's specifically written in the item master</p> <p>2 file; is that correct?</p> <p>3 MS. HUGHEY: Objection; vague.</p> <p>4 A. What I'm saying is I think what's</p> <p>5 confusing is the use, on this page, of the word</p> <p>6 catalog.</p> <p>7 Q. The system had the word catalog in</p> <p>8 it; correct? These are screenshots from the</p> <p>9 system?</p> <p>10 A. This is a utility page that is</p> <p>11 given to a user that would have the authority,</p> <p>12 would have the privileges in the system to do</p> <p>13 updating of the item master file. So maybe the</p> <p>14 customer doesn't own the data in the interface</p> <p>15 utility, and they want to get items in the</p> <p>16 database. This would be one way they would do</p> <p>17 it if they didn't happen to own that particular</p> <p>18 module.</p> <p>19 Q. So by creating --</p> <p>20 A. So just another way to do this.</p> <p>21 Q. I'm sorry, I didn't mean to</p> <p>22 interrupt you.</p> <p>23 By creating a catalog, does that</p> <p>24 mean that the user is creating a new catalog ID</p> <p>25 for the item master record?</p>

<p>213</p> <p>1 A. No.</p> <p>2 Q. I'm just trying to understand. I</p> <p>3 believe your testimony was that this is a</p> <p>4 utility page that is given to a user that would</p> <p>5 have the authority to update the item master</p> <p>6 file. Is that correct?</p> <p>7 A. Right.</p> <p>8 Q. And so the only catalog information</p> <p>9 contained in the item user file is the catalog</p> <p>10 ID; correct?</p> <p>11 A. Oh, no. I mean, there if --</p> <p>12 earlier there were the fields in the item master</p> <p>13 file, the item, unit of measure, description,</p> <p>14 the price, catalog ID, user defined fields.</p> <p>15 Those are all part of the item master file.</p> <p>16 So if you're importing catalog</p> <p>17 information, those would be fields that would be</p> <p>18 imported as well.</p> <p>19 Q. I'm really not trying to be</p> <p>20 argumentative.</p> <p>21 A. I'm trying to help you understand.</p> <p>22 And I'm just not getting through.</p> <p>23 Q. I'm trying to understand what this</p> <p>24 means when it says creating a catalog. Maybe if</p> <p>25 we go back to the item master record, maybe that</p>	<p>215</p> <p>1 this right. Let me take five minutes, and I</p> <p>2 want to make sure that this isn't specifically</p> <p>3 talking about updating the remote requisitioning</p> <p>4 catalog. Remember I was talking about could you</p> <p>5 have remote users with their own individual</p> <p>6 catalog?</p> <p>7 Q. You should certainly take any time</p> <p>8 that you need to answer the question. If you</p> <p>9 would like to take the time.</p> <p>10 A. Because I really want to make sure.</p> <p>11 I think where I'm feeling like we're getting a</p> <p>12 disconnect is that there is an idea that you can</p> <p>13 only have one catalog at a time. And, you know,</p> <p>14 again, as it relates to purchase requisitions</p> <p>15 and purchase orders in P.O. Writer, it was</p> <p>16 driven around this item master file.</p> <p>17 In requisitioning you did have the</p> <p>18 ability to have disparate stand-alone systems,</p> <p>19 and then you could pull in requisitions into the</p> <p>20 database. I just want to make sure that this</p> <p>21 maybe wasn't specifically related to that.</p> <p>22 Because I might be confusing it, in which case</p> <p>23 maybe I should just say I don't remember and we</p> <p>24 can move on.</p> <p>25 How about that? Let's do that.</p>
<p>214</p> <p>1 will help us out.</p> <p>2 If you can go to Exhibit No. 2,</p> <p>3 which is the guided tour. And just keep that</p> <p>4 other document handy if you can.</p> <p>5 The item master record is discussed</p> <p>6 beginning at L 0126537. Which is page 7 of the</p> <p>7 manual.</p> <p>8 You see there is several fields</p> <p>9 associated with that, right, which we discussed</p> <p>10 this morning?</p> <p>11 A. Right.</p> <p>12 Q. And one of those fields is a</p> <p>13 catalog ID; correct?</p> <p>14 A. That's correct.</p> <p>15 Q. So when we talk about Exhibit,</p> <p>16 Lawson Exhibit 115, when it's talking about</p> <p>17 creating a catalog, what does that have to do</p> <p>18 with the item master record?</p> <p>19 A. Some users think of the item master</p> <p>20 as their catalog. So I think where the</p> <p>21 confusion is coming in is if you are using the</p> <p>22 requisitioning utility, and you're wanting to</p> <p>23 bring data in, either start with a brand new</p> <p>24 item master or you want to bring data in,</p> <p>25 that -- you know what, I want to make sure I get</p>	<p>216</p> <p>1 Because it's getting late. I'll just go with I</p> <p>2 don't remember and we'll move on. I like that</p> <p>3 better. That works for me.</p> <p>4 Because honestly, I would have to</p> <p>5 go back and study it, and that's not really what</p> <p>6 we're here for. And I don't remember. So let's</p> <p>7 move on.</p> <p>8 Q. So my question is with respect to</p> <p>9 the creating a catalog feature that's discussed</p> <p>10 on L 0127522, my question is whether or not the</p> <p>11 system, the database had more than one catalog.</p> <p>12 A. My answer that PNet, from a user's</p> <p>13 perspective, could have more than one catalog.</p> <p>14 Q. But based on this specific</p> <p>15 document --</p> <p>16 A. But that's all I can recall.</p> <p>17 Anything else I'd have to do the research on it.</p> <p>18 Q. Is it your understanding that the</p> <p>19 catalog that's referenced on this specific page</p> <p>20 refers to the item master?</p> <p>21 A. You know what, I'm going to say I</p> <p>22 don't recall. I'd have to research it. Let's</p> <p>23 go with that. Because I really think there is a</p> <p>24 great possibility that in that particular manual</p> <p>25 it may have referred to building out catalogs</p>

<p>217</p> <p>1 for the remote requisition. So without me</p> <p>2 really having done my homework, I think what I</p> <p>3 would rather just say is let's just.</p> <p>4 Q. So my understanding of your</p> <p>5 testimony today is that you don't know to what</p> <p>6 this specific catalog is referring to as listed</p> <p>7 on this specific page, 127522?</p> <p>8 A. Let's say that that is correct.</p> <p>9 Q. And does that also hold true for</p> <p>10 the word catalog listed on the next page,</p> <p>11 127523, discussing creating a new catalog?</p> <p>12 A. Let's say the same thing holds. I</p> <p>13 would like to research that before I -- because</p> <p>14 I can see that without some research I might</p> <p>15 take you somewhere you don't want to be.</p> <p>16 Q. I think we can put that document</p> <p>17 away as well.</p> <p>18 Now, Ms. Hughey asked you whether</p> <p>19 or not you had the manuals available at trade</p> <p>20 shows. Do you recall her asking you about that?</p> <p>21 A. Yes, we do. Yes.</p> <p>22 Q. And when you would have the manuals</p> <p>23 available at trade shows, what would you do with</p> <p>24 them at night after the trade show was over?</p> <p>25 A. We would usually lock them up.</p>	<p>219</p> <p>1 Q. Now, there was another thing that</p> <p>2 Ms. Hughey directed you to with respect to the</p> <p>3 guided tour document, which if you recall was</p> <p>4 Exhibit No. 2. And specifically you directed</p> <p>5 her to the document that's listed at 126682.</p> <p>6 Which is page 153 -- I'm sorry, 151 and 152.</p> <p>7 And I believe she was asking you</p> <p>8 whether or not the P.O. Writer product had the</p> <p>9 capability of converting an item from one</p> <p>10 product in one source to another product in a</p> <p>11 different source. Do you recall her asking</p> <p>12 about that?</p> <p>13 A. Yes.</p> <p>14 Q. And I believe you testified that</p> <p>15 this specific page described that functionality.</p> <p>16 Is that correct?</p> <p>17 A. This specific page allows you to,</p> <p>18 when you select number 3, which was on the prior</p> <p>19 page, requisition consolidating and splitting.</p> <p>20 So this particular page once you made that</p> <p>21 selection number 3 in this version, would allow</p> <p>22 you to use that functionality.</p> <p>23 And let's see, what are we doing</p> <p>24 here? Consolidate or split, correct. So number</p> <p>25 3 gets you to this page where you can begin to</p>
<p>218</p> <p>1 Q. Now, Ms. Hughey, I recall she also</p> <p>2 asked you whether or not you would sell the P.O.</p> <p>3 Writer Plus -- the P.O. Writer Plus product to</p> <p>4 any customer. Do you recall her asking you that</p> <p>5 question?</p> <p>6 A. Yes.</p> <p>7 Q. And you recall what your answer was</p> <p>8 to that question?</p> <p>9 A. I said yes, we would sell it to</p> <p>10 anyone. Not considering a competitor a</p> <p>11 customer, considering like --</p> <p>12 Q. So there are certain customers to</p> <p>13 whom American Tech would not have sold the P.O.</p> <p>14 Writer Plus product; is that correct?</p> <p>15 A. I wouldn't sell the product to a</p> <p>16 competitor.</p> <p>17 Q. And how would you typically go</p> <p>18 about the process of investigating who was</p> <p>19 trying to purchase the specific product?</p> <p>20 A. How would we go through that</p> <p>21 process? I think a lot of times you just know</p> <p>22 who's in business. Recognize the names. A lot</p> <p>23 of the people that would buy our product were</p> <p>24 Fortune 500 companies, so we knew the names</p> <p>25 pretty well.</p>	<p>220</p> <p>1 use that consolidate and split functionality.</p> <p>2 Q. But the functionality that she was</p> <p>3 asking you about, which is whether or not you</p> <p>4 could convert one item in one source to a</p> <p>5 different item in a different source, that's not</p> <p>6 described in the specific page; is that correct?</p> <p>7 MS. HUGHEY: Objection; foundation,</p> <p>8 leading.</p> <p>9 A. What's described on this page is</p> <p>10 after you make selection number 3, this</p> <p>11 particular screen that's shown here is the</p> <p>12 screen the user would use if they wanted to</p> <p>13 begin to split or consolidate requisition lines.</p> <p>14 MR. REDDY: I think if we can just</p> <p>15 take a one-minute break, I'm pretty sure</p> <p>16 I'm going to be done as well.</p> <p>17 THE VIDEOGRAPHER: Going off the</p> <p>18 record at 4:54.,</p> <p>19 (A recess was taken.)</p> <p>20 THE VIDEOGRAPHER: Back on the</p> <p>21 record, 4:59.,</p> <p>22 BY MR. REDDY:</p> <p>23 Q. Now, you understand that the case</p> <p>24 at issue here involves a suggestion of patent</p> <p>25 infringement; correct?</p>

<p>221</p> <p>1 A. Correct.</p> <p>2 Q. And you're not the familiar with</p> <p>3 the specific patent claims that are being</p> <p>4 asserted in this case; is that correct?</p> <p>5 A. I was years ago. But I haven't --</p> <p>6 I didn't read them recently, so it's not fresh</p> <p>7 on my mind.</p> <p>8 Q. But the specific claims that are</p> <p>9 being asserted in this case, you're not familiar</p> <p>10 with what claims are being asserted in this</p> <p>11 case; is that correct?</p> <p>12 A. I vaguely recall what was asserted</p> <p>13 years ago. I mean.</p> <p>14 Q. If I were to tell you that one of</p> <p>15 the patents that's being asserted in this case</p> <p>16 wasn't asserted in the other case, would that</p> <p>17 change your response as to whether or not you're</p> <p>18 familiar with the specific patent claims that</p> <p>19 are being asserted in this case?</p> <p>20 A. All I can tell you is years ago</p> <p>21 when I was a witness in the ePlus/SAP trial, I</p> <p>22 did read the patent or patents that were in</p> <p>23 question at that time. And I haven't done</p> <p>24 anything since then.</p> <p>25 Q. Perhaps I can speed it along. Let</p>	<p>223</p> <p>1 familiar.</p> <p>2 Q. But you're not familiar with how</p> <p>3 the court construed the claims in this case;</p> <p>4 correct?</p> <p>5 A. No, I don't know what's going on</p> <p>6 here.</p> <p>7 Q. So the testimony that you gave is</p> <p>8 just from your own personal knowledge and not</p> <p>9 taking into consideration the constructions that</p> <p>10 the judge has given as to what those terms mean?</p> <p>11 A. That's right.</p> <p>12 Q. Now, we briefly talked about the</p> <p>13 SAP case. And I think you indicated that you</p> <p>14 don't recall how much you were compensated by</p> <p>15 SAP in that case; is that correct?</p> <p>16 A. Not the exact number.</p> <p>17 And I'm glad you brought that up.</p> <p>18 Because I couldn't remember, once I answered</p> <p>19 that Tim may not have -- he may or may not have</p> <p>20 gotten compensated, I believe I said he didn't.</p> <p>21 Then I started to second-guess myself on that.</p> <p>22 So I did text him and ask him if he had gotten</p> <p>23 any money for that, and he said he couldn't</p> <p>24 remember either.</p> <p>25 So on that note, you know, he may</p>
<p>222</p> <p>1 me represent that certain claims that are being</p> <p>2 asserted in this case were not asserted in the</p> <p>3 SAP case.</p> <p>4 A. Okay.</p> <p>5 Q. So based upon that representation,</p> <p>6 you're not familiar with all of the patent</p> <p>7 claims that are being asserted in this case;</p> <p>8 correct?</p> <p>9 A. Correct.</p> <p>10 Q. And you're not familiar with the</p> <p>11 order that the judge in this case has issued</p> <p>12 telling the parties what certain terms within</p> <p>13 those patent claims mean; correct?</p> <p>14 A. Right, I have no information other</p> <p>15 than what I sent you.</p> <p>16 Q. And so when you gave testimony</p> <p>17 today about certain terms that are within the</p> <p>18 patent, you gave that testimony as a layperson;</p> <p>19 correct?</p> <p>20 A. Well, a layperson who's been</p> <p>21 through a trial. I don't know if that makes me</p> <p>22 a layperson or not.</p> <p>23 Q. You're not --</p> <p>24 A. I have some experience with this</p> <p>25 topic. And so maybe then it would seem</p>	<p>224</p> <p>1 have dug around in some files and that might</p> <p>2 have ended up on the bill. So I'm going to say</p> <p>3 that we don't remember exactly on that. And I</p> <p>4 definitely don't remember the number.</p> <p>5 Q. Now, the consulting agreement that</p> <p>6 you had with SAP, was that between you and SAP;</p> <p>7 is that correct?</p> <p>8 A. I don't know if it was between</p> <p>9 me -- I think it was me and SAP. I don't think</p> <p>10 it was me and the law firm. That doesn't seem</p> <p>11 quite right.</p> <p>12 Q. But regardless, it was between you</p> <p>13 individually and either the SAP lawyers or SAP</p> <p>14 the company; is that correct?</p> <p>15 A. That's right.</p> <p>16 Q. And your husband may or may not</p> <p>17 have had a separate consulting arrangement with</p> <p>18 either SAP or the attorneys representing SAP; is</p> <p>19 that correct?</p> <p>20 A. I don't think he had an agreement.</p> <p>21 But I'm not 100 percent sure. I definitely had</p> <p>22 an agreement with them.</p> <p>23 Q. Do you recall how much you were</p> <p>24 compensated by, pursuant to that agreement, on</p> <p>25 an hourly basis?</p>

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<p style="text-align: right;">225</p> <p>1 A. You know, I don't. It's in the 2 testimony. When I was kind of skimming through 3 it I kind of glossed over it. But I don't 4 remember the exact number. It was around 200 an 5 hour. But, again, I don't remember the exact 6 number.</p> <p>7 Q. And do you recall roughly how many 8 hours you billed SAP for your work on that case?</p> <p>9 A. I don't recall.</p> <p>10 Q. Do you believe it would be more 11 than 50?</p> <p>12 A. I honestly just don't know.</p> <p>13 Q. Could it be more than a hundred?</p> <p>14 A. I don't know.</p> <p>15 Q. Is it more than ten?</p> <p>16 A. Is it more than ten? It would be 17 more than ten.</p> <p>18 Q. So would it be less than a 19 thousand?</p> <p>20 A. You know what.</p> <p>21 Q. Okay.</p> <p>22 So my understanding is that you 23 were at the trial for SAP; is that correct?</p> <p>24 A. That's right.</p> <p>25 Q. And you were there for several</p>	<p style="text-align: right;">227</p> <p>1 working on that case?</p> <p>2 A. I don't recall.</p> <p>3 MR. REDDY: That's fine. I have 4 nothing further then.</p> <p>5 MS. HUGHEY: I have nothing. Thank 6 you.</p> <p>7 THE VIDEOGRAPHER: Going off the 8 record, end of tape 3 at 5:05., 9 (Time noted: 5:05 p.m.)</p> <p>10</p> <p>11 _____</p> <p>12 LAURENE McENENY</p> <p>13</p> <p>14 Subscribed and sworn to before me 15 this ____ day of _____, 2010.</p> <p>16</p> <p>17 _____</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">226</p> <p>1 days; correct?</p> <p>2 A. Yeah, I definitely was. I 3 testified over like half of one day and I think 4 the morning of another. So yeah, I was there 5 for a couple of days.</p> <p>6 Q. You were in the specific city where 7 that trial took place for more than just those 8 two days; correct?</p> <p>9 A. Yeah, I think they had me -- I 10 don't remember exactly when I came down. But 11 they told me I was going to testify on -- and it 12 turned out to be later. I think it was maybe I 13 was going to testify on a Wednesday and it 14 turned out to be a Thursday, or something. I 15 know that I didn't testify when I was supposed 16 to.</p> <p>17 Q. And as a result of that you were in 18 that specific location for that trial for 19 several days; correct?</p> <p>20 MS. HUGHEY: Objection; relevance, 21 beyond the scope of redirect.</p> <p>22 A. Yeah, I was there for a couple of 23 days.</p> <p>24 Q. And were you also compensated for 25 that time that you spent working -- while</p>	<p style="text-align: right;">228</p> <p>1 C E R T I F I C A T E</p> <p>2 STATE OF NEW YORK) 3 : ss. 4) 5 COUNTY OF NEW YORK)</p> <p>6 I, ERIC J. FINZ, a Shorthand Reporter and 7 Notary Public within and for the State of New 8 York, do hereby certify: 9 That LAURENE McENENY, the witness whose 10 deposition is hereinbefore set forth, was duly 11 sworn by me and that such deposition is a true 12 record of the testimony given by the witness.</p> <p>13 I further certify that I am not related to 14 any of the parties to this action by blood or 15 marriage, and that I am in no way interested in 16 the outcome of this matter.</p> <p>17 IN WITNESS WHEREOF, I have hereunto set my 18 hand this ____ day of _____, 2010.</p> <p>19</p> <p>20 _____ 21 ERIC J. FINZ</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">229</p> <p>1 E X H I B I T S</p> <p>2 DESCRIPTION PAGE</p> <p>3 (McEneny Exhibit 1 for 7</p> <p>4 identification, Subpoena.)</p> <p>5 (McEneny Exhibit 2 for 24</p> <p>6 identification, document headed</p> <p>7 "Guided Tour, Version 10.0,"</p> <p>8 production numbers L 0126514 through</p> <p>9 L 0126701.)</p> <p>10 (McEneny Exhibit 3 for 80</p> <p>11 identification, note report dated</p> <p>12 February 1, 2006, production numbers</p> <p>13 ePLUS 219477 through ePLUS 219483.)</p> <p>14 (McEneny Exhibit 4 for 87</p> <p>15 identification, note report, dated</p> <p>16 February 1, 2006, production numbers</p> <p>17 ePLUS 219491 through ePLUS 219492.)</p> <p>18 (McEneny Exhibit 5 for 91</p> <p>19 identification, document entitled</p> <p>20 "Tenth Edition," production numbers L</p> <p>21 126501 through L 126513.)</p> <p>22 (McEneny Exhibit 6 for 98</p> <p>23 identification, document, production</p> <p>24 numbers L 126718 through L 126964.)</p> <p>25</p>	<p style="text-align: right;">231</p> <p>1 E X H I B I T S (Continued)</p> <p>2 DESCRIPTION PAGE</p> <p>3 (Lawson Exhibit 101 for 123</p> <p>4 identification, document, production</p> <p>5 numbers L 0126423 through L 0126481.)</p> <p>6 (Lawson Exhibit 102 for 125</p> <p>7 identification, document, production</p> <p>8 numbers L 0126482 through L 0126500.)</p> <p>9 (Lawson Exhibit 103 for 125</p> <p>10 identification, document, production</p> <p>11 numbers L 0126501 through L 0126513.)</p> <p>12 (Lawson Exhibit 104 for 126</p> <p>13 identification, Subpoena.)</p> <p>14 (Lawson Exhibit 105 for 127</p> <p>15 identification, document, production</p> <p>16 numbers L 0126702 through L 0126717.)</p> <p>17 (Lawson Exhibit 106 for 128</p> <p>18 identification, document, production</p> <p>19 numbers L 0127297 through L 0127504.)</p> <p>20 (Lawson Exhibit 107 for 129</p> <p>21 identification, document, production</p> <p>22 numbers L 0126965 through L 0126980.)</p> <p>23 (Lawson Exhibit 108 for 130</p> <p>24 identification, document, production</p> <p>25 numbers L 0126981 through L 0126998.)</p>
<p style="text-align: right;">230</p> <p>1 E X H I B I T S (Continued)</p> <p>2 DESCRIPTION PAGE</p> <p>3 (Lawson Exhibit 95 for 109</p> <p>4 identification, document, production</p> <p>5 numbers ePLUS 0219927 through ePLUS</p> <p>6 0219937.)</p> <p>7 (Lawson Exhibit 96 for 111</p> <p>8 identification, document, production</p> <p>9 numbers ePLUS 0219612 through ePLUS</p> <p>10 0219619.)</p> <p>11 (Lawson Exhibit 97 for 112</p> <p>12 identification, document, production</p> <p>13 numbers ePLUS 0219493 through ePLUS</p> <p>14 0219494.)</p> <p>15 (Lawson Exhibit 98 for 117</p> <p>16 identification, document, production</p> <p>17 numbers L 0126147 through L 0126395.)</p> <p>18 (Lawson Exhibit 99 for 120</p> <p>19 identification, document, production</p> <p>20 numbers L 0126396 through L 0126402.)</p> <p>21 (Lawson Exhibit 100 for 122</p> <p>22 identification, document, production</p> <p>23 numbers L 0126403 through L 0126422.)</p> <p>24</p> <p>25</p>	<p style="text-align: right;">232</p> <p>1 E X H I B I T S (Continued)</p> <p>2 DESCRIPTION PAGE</p> <p>3 (Lawson Exhibit 109 for 131</p> <p>4 identification, document, production</p> <p>5 numbers L 0127000 through L 0127019.)</p> <p>6 (Lawson Exhibit 110 for 132</p> <p>7 identification, document, production</p> <p>8 numbers L 0127020 through L 0127102.)</p> <p>9 (Lawson Exhibit 111 for 133</p> <p>10 identification, document, production</p> <p>11 numbers L 0127103 through L 0127137.)</p> <p>12 (Lawson Exhibit 112 for 137</p> <p>13 identification, document, production</p> <p>14 numbers L 0127138 through L 0127227.)</p> <p>15 (Lawson Exhibit 113 for 138</p> <p>16 identification, document, production</p> <p>17 numbers L 0127228 through L 0127255.)</p> <p>18 (Lawson Exhibit 114 for 138</p> <p>19 identification, document, production</p> <p>20 numbers L 0127256 through L 0127296.)</p> <p>21 (Lawson Exhibit 115 for 139</p> <p>22 identification, document, production</p> <p>23 numbers L 0127505 through L 0127601.)</p> <p>24</p> <p>25</p>

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3	(Lawson Exhibit 116 for	151
4	identification, substitute response	
5	to non-final office action.)	
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7	identification, appeal brief.)	
8	(Lawson Exhibit 118 for	191
9	identification, article entitled	
10	"Buyers' Guide to Software for	
11	Purchasing," production numbers ePLUS	
12	0219905 through ePLUS 0219910.)	
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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of August, 2010, I will electronically file the foregoing

**PLAINTIFF EPLUS'S OBJECTIONS TO DEFENDANT'S DEPOSITION
DESIGNATIONS AND SUMMARY OF THE DEPOSITION OF LAURENE McENENY
AND COUNTER-DESIGNATIONS**

with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) via email to the following:

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